

IN THE DISTRICT COURT OF CARTER COUNTY  
STATE OF OKLAHOMA

STATE OF OKLAHOMA, )  
                       )  
                       Plaintiff, )  
                       )  
-vs-                   ) Case No. CF-2023-321  
                       )  
JASON MAY,             )  
                       )  
                       Defendant. )

\* \* \* \* \*

TRANSCRIPT OF THE TESTIMONY OF JASON MAY  
IN THE TRIAL PROCEEDINGS  
HAD ON THE 28TH, 29TH, & 30TH DAYS OF APRIL  
AND THE 1ST & 2ND DAYS OF MAY, 2025,  
BEFORE THE HONORABLE TRISHA SMITH  
(and a jury)

\* \* \* \* \*

APPEARANCES

FOR THE STATE:

Jacobi Whatley, ASSISTANT DISTRICT ATTORNEY,  
121 N. 2nd Street, Suite 212, Purcell, Oklahoma 73080

Beau Dismukes, ASSISTANT DISTRICT ATTORNEY,  
201 S. Jones, Suite 300, Norman, Oklahoma 73069

FOR THE DEFENDANT:

Matt Swain, SWAIN LAW GROUP,  
217 East Main Street, Norman, Oklahoma 73069

Daniel Pond, SWAIN LAW GROUP,  
217 East Main Street, Norman, Oklahoma 73069

Austin Browning, SWAIN LAW GROUP,  
11 N. Washington Street, Ardmore, Oklahoma 73401

Reported by:

Tracy Wilkerson, CSR  
Certificate No. 2016  
Official Court Reporter  
Carter County Courthouse  
Ardmore, Oklahoma

1 (The following requested portion of  
2 proceedings were had on May 2, 2025, and  
3 contain only the examination of Jason May:)

4 | JASON MAY,

5 called as a witness on behalf of the defendant, after  
6 having been first duly sworn, testified as follows:

DIRECT EXAMINATION

8 BY MR. POND:

9 Q State and spell your name please.

10 A Jason May. J-a-s-o-n, M-a-y.

11 Q We -- I don't want to belabor the Court, but  
12 give the jury just a quick thumbnail sketch of you.

13       A     Sure. So, I'm from Lone Grove originally. I  
14 graduated Lone Grove High School, 2002. I went to  
15 undergrad Southeastern, went to law school at OU,  
16 graduated in '09. I moved back to Ardmore. I went into  
17 Darryl's building and opened my own practice, and I've  
18 been doing that the last 16 years.

19 Q Let's talk about you a little bit. Why'd you  
20 go to law school? What'd you want to do in law?

21           A     So, since I was a child, I've always wanted to  
22 be a criminal defense attorney.

23 Q Why? Give some of these people an  
24 understanding.

25 A So it's a little lame, but I love the show

1   *Matlock*, and so that was my favorite show as a kid. I  
2   always loved the idea of it, and just the way he handled  
3   himself. I liked that he would always solve a case by  
4   finding the real killer.

5           Q     Okay.

6           A     I still haven't done that, but I hope to one  
7   day.

8           Q     Okay. So let's talk a little bit about -- so  
9   you get out of law school. You come back to Ardmore,  
10   and you start officing. Give the -- give the jury an  
11   idea of what that's like to throw out your own shingle  
12   right out of law school.

13          A     It's not the common path. Most people take  
14   jobs for someone out of law school. I was fortunate  
15   enough to meet Darryl. I just saw he had a big building  
16   so I walked in off the street one day --

17          Q     To be fair, Darryl Roberts, the one that  
18   testified yesterday?

19          A     That's correct.

20          Q     And in court? For "who is Mr. Roberts" if you  
21   will.

22          A     That's right. So, I walked into his building  
23   and he took pity on me, told me to come back the next  
24   week, and he had a crew cleaning out an office space for  
25   me upstairs.

1       And so I rented space from him -- didn't work for  
2 him, just rented space in his building -- and I was  
3 there by myself for five years, just working through an  
4 extension cord that I had running through some walls  
5 that led to my desk.

6           Q     So kind of like we heard that you did for  
7 Tyler?

8           A     Yes. Similar.

9           Q     Working near you, but not for you?

10          A     Yes. In fact, he gave me the same option to  
11 not pay any rent for the first six months, and that was  
12 probably where I got the idea to give Tyler that  
13 opportunity.

14          Q     Kind of a pay-it-forward thing?

15          A     Right.

16          Q     So what are those first few years of practice  
17 like?

18          A     A little bit of everything. So, I was a public  
19 defender for four years. I was on what's called the  
20 OIDS contract, which means basically anyone who can't  
21 afford an attorney -- that's generally someone in jail,  
22 but it could be someone who's out of jail but just can't  
23 afford a lawyer -- the Court goes through a list and  
24 appoints them someone, so --

25          Q     Before we go too much further, since you're

1 talking about being in private practice, being a public  
2 defender -- don't go crazy with the details -- but give  
3 the jury and idea of what the difference between public  
4 defender and OIDS contract is?

5 A So, some larger counties have a public  
6 defender's office, smaller counties, like Carter, do  
7 not, so they basically have a contract with private  
8 attorneys. So in addition to my private practice, I  
9 would also take cases for that contract.

10 Q For OIDS, that's a set fee per case basically?

11 A It's per month, regardless of how many cases.  
12 At least that was how --

13 Q Okay.

14 A -- it was 11 plus years ago.

15 Q Gotcha. So in these early years, how long did  
16 you stay on the OIDS contract with Carter County?

17 A I believe four years.

18 Q And what were you doing in addition to the OIDS  
19 contract?

20 A Anything that came through the door.

21 Basically, if you had money, I would try to figure out  
22 how to represent you.

23 Q Okay. Describe how your practice progressed?

24 A Over time, I got busier. I quit the OIDS  
25 contract because I got so busy that I couldn't keep up

1 with it. I hired Lora Stevens about ten years ago, and  
2 she's been a huge help. She knows everybody in the  
3 legal community, and she moved into the office with  
4 Darryl with me, and so it was the two of us upstairs  
5 for -- until 2018, and then we moved to a new building.

6 Q Gotcha. And when -- so you got to a point  
7 where you had your own building?

8 A That's right.

9 Q How did that work out?

10 A So I moved out -- just because of space, and  
11 Darryl was retiring at that time due to the health  
12 issues his daughter was having. So I moved over to a  
13 building over on Main Street. It was still just Lora  
14 and I for a while.

15 We did add staff over time, and we've actually just  
16 recently moved back to Darryl's old building --

17 Q We'll get there in a second.

18 A I'll slow down.

19 Q So in that building, your practice is  
20 continuing to progress and get bigger?

21 A Yes. Every year that I've practiced, I have  
22 been more successful than the previous year.

23 Q And you graduated -- what year did you say?

24 A In 2009.

25 Q Okay. So you knew Darryl since 2009? I know

1 he mentioned it a little bit.

2 A Yes, that's right.

3 Q He couldn't remember what year it was.

4 A That's correct.

5 Q Okay. So each year as you're practicing, your  
6 practice is getting bigger and bigger?

7 A Yes.

8 Q Do you keep having to hire more staff?

9 A Yes. We currently have six people total  
10 working for us.

11 Q And that's like administrative-type people and  
12 attorneys?

13 A That's right. There's three attorneys and then  
14 three support staff.

15 Q Gotcha. And is your practice still continuing  
16 to grow?

17 A Yes. Last year was our best year ever.

18 Q And now let's talk about what you were saying a  
19 minute ago. You moved from the Main Street building.  
20 You purchased the Darryl building?

21 A Yes, that's right.

22 Q So you -- you've expanded enough to purchase  
23 another building?

24 A Right.

25 Q And now still refurbishing that?

1       A     We're done with the inside.  We've moved in.  
2 We're still putting stucco and gonna paint and put a  
3 railing around the balcony, but we're in there and it's  
4 fully operational.

5       Q     And is there still plans to continue to  
6 increase the size of your practice?

7       A     Yes.

8       Q     All right.  So this is going to sound like a  
9 weird question, but is your practice hurting in any way?

10      A     Not at all.

11      Q     I don't want to belabor the numbers, but are  
12 you doing well financially, as far as your practice is  
13 concerned?

14      A     Very well.

15      Q     Okay.  So let's get into kind of why we're  
16 here.  How did you first become aware of the Jorge  
17 Flores issue?

18      A     So on April 8, 2019 -- sorry -- February 8,  
19 2019, I got a phone call from a woman who identified  
20 herself as Alicia Flores, and she had informed me that  
21 her father, Jorge Flores, had bonded out in Carter  
22 County, and that Tanya Anthony was the bondsman, and she  
23 was calling me at that time seeking information because  
24 she hadn't heard from him since he got out of jail -- or  
25 since shortly after he got out of jail.

1 Q And she actually said the words *Alicia Flores*?

2 A Yes.

3 Q And you are speaking with her on the phone.

4 Did you get that phone number?

5 A I did.

6 Q Okay. We've heard the number that you gave  
7 Rick Batt. Is that the number you have for Alicia?

8 A That is the same number that she called from.

9 Q I'm drawing a blank. It's the one that's in  
10 the State's Exhibits?

11 A I think it ends in 3887.

12 Q Okay. Is that the same number you always  
13 talked to her on?

14 A Yes, it is.

15 Q So she calls. Talks to you. At the time that  
16 she talks to you, February 8, is there any discussion of  
17 the forfeiture issue?

18 A I don't believe so at that time. I believe she  
19 was just calling to try to figure out where her father  
20 was.

21 Q And why did she call you? Did she say?

22 A I remember that she mentioned Tanya Anthony's  
23 name.

24 Q Okay.

25 A So my assumption is that Tanya Anthony had

1 given her my contact information.

2 Q Gotcha.

3 A I don't know that for certain, but I do  
4 remember that Tanya's name came up.

5 Q Okay. So you called Tanya?

6 A Yes.

7 Q Okay. And did you talk to her about where  
8 Jorge was and what she knew, that kind of thing?

9 A I did.

10 Q And how'd that conversation go?

11 A So Ms. Anthony had informed me that she had  
12 posted bond. She also informed me that, I believe, the  
13 day after she posted bond, that she was contacted by law  
14 enforcement, who was looking for the gentleman that she  
15 bonded out, and that she had not been able to get a hold  
16 of anyone since then.

17 Q Okay. And then did you hear from Ms. Alicia  
18 Flores again?

19 A So I called her back when I found that  
20 information out to let her know -- Tanya also informed  
21 me that Jorge did not have a phone. So part of the -- I  
22 guess part of the seizure was his phone was taken by law  
23 enforcement. So I called Alicia back just to let her  
24 know, you know, the bondsman said your dad is safe. The  
25 police are looking for him, but my understanding is he

1 made it out of town, but he does not have a phone. So I  
2 assume he'll turn up at some point.

3 Q Okay. What'd you do after that in relation to  
4 this case? Did you speak to Alicia again?

5 A Not -- well, not that day. No.

6 Q Not that day. Okay. But did you speak with  
7 her again in those days?

8 A So a couple days later -- I don't know the  
9 exact date -- but within a couple days, Alicia called me  
10 back from the same number and stated that her father had  
11 made it to where she was.

12 And he was actually in the background talking.

13 Q Explain how you -- why you think he was in the  
14 background talking?

15 A Well, I could hear a man speaking Spanish in  
16 the background. She informed me that that was her  
17 father, so --

18 Q And was she speaking Spanish to him?

19 A Yes. She was basically interpreting for us.

20 Q Do you know when that occurred in relation to  
21 the 8th?

22 A I know it was within a couple days. I -- I  
23 would say it was somewhere between the 9th and the 11th.

24 Q Okay.

25 A Somewhere in that time frame.

1       Q     On that call, that 9th to 11th call, do you  
2 discuss the money issue?

3       A     Yes. So the reason I -- I believe the main  
4 reason she had called back was her dad wanted to know if  
5 he could hire me to get his money back.

6       Q     Okay. Do you -- at this point, do you know  
7 anything about the money?

8       A     No.

9       Q     I mean, we've heard testimony that it was  
10 published in the Ardmorite. Do you have a subscription  
11 to the Ardmorite?

12      A     I do not.

13      Q     Do you read the Ardmorite?

14      A     No. Not typically.

15      Q     What do you mean "not typically"?

16      A     Well, they have a contest every year where they  
17 name the best attorney in Carter County, and I usually  
18 win that, so my mom will typically bring the paper by  
19 the office when that happens.

20      Q     So that's about the only time you read it?

21      A     That or if -- if a client brings in a copy  
22 because there's something about their case they want me  
23 to see. But I don't typically go purchase the Ardmorite  
24 or look at their website.

25      Q     And do you know, are their legal announcements

1 on the front page, if you know?

2 A I don't think it's on the front page because  
3 I've never seen it.

4 Q Do you ever flip to the legal announcements?

5 A No. I don't think I've ever done that.

6 Q Okay. So no way you saw it in the Ardmorite?

7 A No.

8 Q So at this point you're talking with Alicia, do  
9 you try to find out whether a case is filed or what's  
10 going on?

11 A Yes. So I --

12 Q What did you do?

13 A I go to the court records website, which is  
14 ODCR.

15 Q Give the jury just a little understanding of  
16 what that is.

17 A Okay. So it's on demand court records is what  
18 it stands for, but it's basically a statewide database,  
19 and you can search by county or you can search by this  
20 date, and you can look for a party name and find any  
21 cases that have been filed in that person's name.

22 Q And do you do that?

23 A I do.

24 Q Are you able to see anything that's actually  
25 filed or is it just say, you know, "x" happened, "y"

1 happened?

2       A     So in that -- in some cases you can't see the  
3 pleadings, but in a forfeiture case you can. So I was  
4 able to ascertain that there were two forfeiture cases  
5 filed, and I could actually see the pleadings to just  
6 see what the state had alleged, essentially.

7       Q     And at the time that you're looking at those  
8 proceedings, have you -- through Alicia -- talked to  
9 Jorge about what actually happened to cause the  
10 forfeiture?

11      A     Somewhat at that point.

12      Q     So you had some facts from him and then the  
13 pleadings.

14      A     That's right.

15      Q     When you're looking at these things, do you  
16 start to get interested?

17      A     I was interested for a few reasons.

18      Q     Why?

19      A     Well, one, it was -- there were two forfeiture  
20 cases, which I thought was unusual. There was one for  
21 10,000 and then there was one for 357, and then normally  
22 you see it filed as one case, so I thought that was  
23 strange.

24           And, secondly, normally when I see forfeiture cases,  
25 there's a corresponding criminal case, like, my client's

1 been charged with possession with intent to distribute  
2 or trafficking, and then they're also trying to take  
3 money or cars or whatever.

4 In this case, there was no criminal case. So he had  
5 not been accused of committing any crimes and yet they  
6 were trying to forfeit almost \$400,000 from him.

7 Q And usually the CV cases, they're, you know,  
8 State of Oklahoma versus \$10,000?

9 A Right.

10 Q Will you turn to State's Exhibit 6?

11 A Okay.

12 Q Do you see it?

13 A Yes.

14 Q Does it also include names other than just  
15 \$10,000?

16 A Yes. They listed Humberto Leon Panama as the  
17 name of the interested party.

18 Q Okay. So you could still search by his name?

19 A Yes. And then they also list Jorge Luna Flores  
20 later, which is his real name.

21 Q Okay. Anything else trigger why you're  
22 interested in this case?

23 A Well, very shortly before this stop, the United  
24 States Supreme Court had changed precedent --

25 Q I don't --

A -- regarding forfeiture cases.

2 Q -- I don't want you to go --

3 MS. WHATLEY: Objection. Can we approach?

4 THE COURT: You may.

5 (The following bench conference was had

6 outside the hearing of the jury:)

7 MS. WHATLEY: Your Honor, I think he's  
8 getting into legal conclusions and legal arguments. I  
9 mean, I understand there's a reason for him entering the  
10 case and all that, and I think there's been evidence in  
11 the case. But I think he was starting to talk about  
12 supreme court cases and rulings and things like that  
13 about the seizure case, so I didn't object before that  
14 because I think it's just explaining his involvement in  
15 the cases, but we're getting really close to legal  
16 issues in the forfeiture case that have already been  
17 decided.

18 MR. POND: And I'm going to stay away from  
19 the actual legal issues, but it was why he got involved.  
20 So I'm gonna let him explain it just a little bit that  
21 it was a supreme court case that applied to forfeitures,  
22 and he wanted to see if he could get that in this case.  
23 Just as to why he was interested.

24 THE COURT: I am not going to allow him to  
25 go into any specific cases. I will allow the witness to

1 testify that there was a legal issue and that's why he  
2 got into it, but nothing specific.

3 MR. POND: It's just that -- also a case  
4 came out of the supreme court that applied to  
5 forfeitures and that's what he wanted to see if he could  
6 apply to this case --

7 MS. WHATLEY: I --

8 MR. POND: -- that's as far as I want to go  
9 with it.

10 MS. WHATLEY: I object to that.

11 Specifically about the supreme court case because this  
12 legality of the stop and the suppression and all of  
13 that, I understand that there are bits and pieces that  
14 may be relevant, but Judge Morris ruled on that in the  
15 forfeiture case. I mean that issue about "is the stop  
16 legal" has already been decided.

17 THE COURT: You can get to that when you  
18 cross-examination him, to say that legal issue that was  
19 out of the supreme court or whatever --

20 MS. WHATLEY: Okay.

21 THE COURT: I mean, the state did not have  
22 to suppress that, so it was -- the judge ruled in our  
23 favor or whatever.

24 MS. WHATLEY: Okay.

25 THE COURT: You can cross-examine him on

1 that. So I'm not gonna allow details --

2 MR. POND: Right.

3 THE COURT: -- but there was a legal issue  
4 that's why he was in the case.

5 MR. POND: Yes. Okay.

6 (Within hearing of the jury:)

7 Q (By Mr. Pond) Okay. We don't want to get  
8 bogged down into, like, legal issues, just there was a  
9 supreme court case that came out relative to  
10 forfeitures?

11 A That's correct.

12 Q Okay. And you wanted to see if you could bring  
13 it into this case. Is that a fair "why you were  
14 interested in the case"?

15 A That's correct. The supreme court case, I  
16 believe, made it very clear that this forfeiture should  
17 not have happened.

18 Q Okay. In your opinion?

19 A Correct.

20 Q Okay. And this is early stages, right? This  
21 is why you're getting interested in the case?

22 A Right.

23 Q Is that something you've done in your practice,  
24 take on cases that are just interesting and you want to  
25 do stuff with it?

1 A All the time.

2 Q Describe that a little bit further. How does  
3 that work?

4 A I mean, obviously, there's the main goal of  
5 practicing law is to earn a living, but I have always  
6 enjoyed, you know, challenging precedent and taking on  
7 cases that I find interesting.

8 Q And have you done that in the past, take on a  
9 case of where you know you're just gonna to take them on  
10 appeal?

11 A Absolutely.

12 Q So you've got an interest in this case. You've  
13 spoken to Jorge through Alicia a little bit. How do you  
14 actually get involved in the case?

15 A So during that second phone call, the one that  
16 Jorge is present on --

17 Q Is that the 9th through 11th-ish?

18 A Yes, that's right.

19 Q Of February '19?

20 A Correct. So during that phone call I basically  
21 explained that I would be willing to take the case. I  
22 explained what my fee agreement would be, which would be  
23 a contingency fee --

24 Q Okay.

25 A -- basically, they don't have to pay me, unless

1 I do get some or all the money back, and then I  
2 explained that I would need him to sign an Answer and  
3 Claim to Property.

4 And so I got an address from Alicia and then I  
5 prepared the contingency fee contract, as well as the  
6 Answer and Claim to Property, and mailed it to that  
7 address -- or had Lora mail it to that address -- with  
8 instructions to sign and sign in front of a notary, and  
9 return those documents back to my office so that I could  
10 file my entry and get started.

11 Q At this point in your career, had you done many  
12 forfeiture cases?

13 A It wasn't common. I would have a lot of  
14 clients that would have a criminal case and there would  
15 also be a forfeiture case, and I would frequently file  
16 an entry of appearance and an answer just to preserve  
17 their interest in the property, and sometimes we could  
18 use that as leverage to negotiate the criminal case.

19 Q Was it -- in your experience, is it common,  
20 uncommon, or kind of neutral whether criminal cases are  
21 filed in conjunction with these civil cases?

22 A It is almost always, in my experience, there  
23 has been an accompanying criminal case.

24 Q Okay. So at some point, you got that -- that  
25 fee agreement and everything else back?

1       A     Yes. I believe February 21st of 2019, is when  
2 we got those back.

3       Q     And since you're doing an answer, you already  
4 know the case is filed, so you have all the details of  
5 the case itself as far as titling?

6       A     Yes, that's right.

7       Q     And then what do you do once you get that  
8 contract and fee agreement back?

9       A     So I get the contract back. I essentially  
10 prepare what's called a Motion for Summary Judgement,  
11 which is basically telling the Court I don't believe  
12 there's enough evidence for the state to even be filing  
13 this case --

14      Q     And let me stop you for a second. We heard  
15 from Melissa Handke about Motion for Summary Judgement  
16 and it seemed kind of early to her. Why are you filing  
17 the Motion for Summary Judgement so early?

18      A     Well, I believe the law was clear, and so I  
19 wanted to get it resolved as quickly as possible.

20      Q     And is that the issue of stop and everything  
21 with that?

22      A     It was the issue of the stop as well as the  
23 recent supreme court case.

24      Q     So nothing based on the facts of the case just  
25 yet, other than kind of going through the stop?

1       A     No. At that point, I had not received any  
2 reports or anything so I didn't know anything about the  
3 stop other than what my client had told me.

4       Q     Gotcha. So you file a Motion for Summary  
5 Judgement. Do you get everything filed?

6       A     Yes. I believe we filed everything on February  
7 22.

8       Q     And then at some point are discovery engaged  
9 in?

10      A     Yes. So --

11      Q     Describe a little bit for the jury what civil  
12 discovery for your practice is.

13      A     Okay. So essentially, we received a document  
14 from the state, which was a request for interrogatories,  
15 request for admission, and maybe a request for  
16 production of documents. And we also presented Eric  
17 Grisham with the same documents, asking him to answer  
18 questions about the traffic stop, things of that nature.

19      Q     And then when you get the interrogatories from  
20 the state, what do you do?

21      A     So that was, I believe, mid-March when we  
22 received those, I think, around the 15th, if I remember  
23 right. I called Alicia. I told her, Hey, we've got  
24 some questions that your dad needs to answer. I'm gonna  
25 send those down there. I need him to fill in his

1 answers as thoroughly as possible --

2 Q Was that the same process with Alicia at that  
3 point? You could hear her translate and talking to him  
4 or anything like that?

5 A I don't believe he was on the line. I think I  
6 just told her, I need him to answer these questions so  
7 I'm going to send this document to the address that  
8 you've given me.

9 Q Okay. Do you recall what address she gave you?

10 A It was the one we talked about. I believe 2103  
11 Lemon Drive or Lemon Street in --

12 Q The same one on the petition?

13 A Yes, that's right.

14 Q So you tell her this thing is coming. At this  
15 point, is it just those interrogatories that you're  
16 sending?

17 A I believe that -- that and what's called a  
18 verification page.

19 Q Okay.

20 A Which is essentially -- after he answers the  
21 questions, he has to sign that page in the presence of a  
22 notary to confirm that the answers are true.

23 Q Okay. And at some point did you get that back?

24 A So we don't get it back in a timely fashion,  
25 but we do get it back.

1 Q And are there answers?

2 A There were.

3 Q Do you have to then put them onto a form?

4 A Yes.

5 Q What do you do once you put them onto a form?

6 Like, we've seen the exhibit --

7 A Sure.

8 Q You type those up?

9 A Right. So the document I received back from  
10 him, would have been his handwritten answers --

11 Q Okay.

12 A -- and then I would have called and talked to  
13 him over the phone.

14 Q Is that, again, with Alicia present?

15 A Yes. I remember that phone call. She had to  
16 actually, I assume, do a three-way call, because I was  
17 on hold for a minute, and then he was on the line.

18 Q Gotcha.

19 A So we went over all of the answers, filled in  
20 some of the blanks, made sure that we were being  
21 thorough and everything, and then --

22 Q Okay.

23 A -- I confirmed that he had signed that  
24 verification page in front of a notary.

25 Q Do yo agree that you could tell it was always

1 the same male and female voices?

2 A It -- nothing about it indicated it was  
3 different people. I don't know that I could say,  
4 definitively, that I recognized that they were always  
5 the same voices.

6 Q Gotcha. So you -- you discussed what he wrote  
7 and what's in the answers that you typed up?

8 A That's correct.

9 Q As you're discussing these with him, does he  
10 confirm that those are his answers?

11 A He does.

12 Q What do you do next?

13 A Well, by that time I had received a discovery  
14 from the state. So, I believe, on April 1 of 2019, they  
15 had given me the police reports. So while we're on the  
16 phone going over everything, I also kind of walked him  
17 through the reports and we used that to sort of  
18 supplement his answers.

19 Q Okay. It's come up quite a bit in the course  
20 of this case, Interrogatory No. 4 where he discusses the  
21 30th bundle?

22 A Yes.

23 Q Did you talk about that with him?

24 A We did.

25 Q When you were telling him what's in the police

1 reports about 29 bundles, how's he reacting?

2 A He immediately corrected me, and asked, "What  
3 about the other bundle?"

4 Q Is that why the Interrogatory 4 reads like it  
5 does?

6 A Yes. He was adamant that there were not 29.  
7 There were 30.

8 Q I guess we should clarify. Did you know  
9 anything about that car before you got involved in this  
10 case?

11 A No.

12 Q Is the car yours?

13 A No.

14 Q Did you load that money into the car?

15 A I did not.

16 Q Did you even know there was a 30th bundle at  
17 the time you were talking to Jorge?

18 A No.

19 Q I mean, know of your own information, I guess?

20 A No. Nothing in the reports indicated there was  
21 anything other than 29 bundles.

22 Q And all of those 29 bundles out of that secret  
23 compartment?

24 A That's right.

25 Q Gotcha. All right. So you get through the

1 interrogatories. You got through the discovery. Let's  
2 back up just a little bit and talk about civil cases and  
3 Judge Morris just a little bit.

4 A Okay.

5 Q We've heard that there were, you know, some  
6 delays in this case and it took a few years. We know  
7 some of that was COVID, right?

8 A Right.

9 Q Describe for the jury a little bit how  
10 practicing in front of Judge Morris is, as it pertains  
11 to these kinds of delays?

12 A He can be very slow to rule on things,  
13 especially civil cases. They tend to sit on his desk in  
14 a pile. Sometimes they sit on his desk for years and  
15 I'm not exaggerating when I say that.

16 Q I mean, we've seen it in these cases, right?  
17 He took what, over a year to respond to a motion to  
18 quash the deposition one?

19 A Three years, I believe.

20 Q Okay. And was that pretty common for him or  
21 was that unusual for him in this case?

22 A It was common.

23 Q So we're into what, mid-March? The -- the  
24 interrogatories are notarized for 4/27. How long after  
25 that do you think you filed them and you started on with

1 the case?

2 A So these aren't filed. They're just given to  
3 the prosecutor.

4 Q That's right. I'm sorry.

5 A So I don't know the exact date because there's  
6 no file stamp, but I know I received them after the  
7 27th. So it would have been late April, early May when  
8 I would have received those back from Mr. Flores.

9 Q And gave them to the state?

10 A Right.

11 Q So between that late April, early May time  
12 frame -- and I know we talked already about a June 28  
13 motion to suppress hearing. What's going on with this  
14 case?

15 A So I had already done a deposition of Eric  
16 Grisham, which is basically where I ask him questions  
17 about the stop and things like that. Based upon his  
18 answers, as well as the police report, I believe that it  
19 was clear that the stop itself was illegal.

20 And so I filed a motion to suppress, asking that the  
21 Court essentially dismiss the state's case based on the  
22 unlawful traffic stop.

23 Q Was that something you had planned for going  
24 forward in this case?

25 A Yes.

1           Q     Describe to the jury, like, why you're involved  
2 in this case? What's your long-term plan?

3           A     I do not expect to win this case at the  
4 district court level. Our plan is to file an appeal.

5                 And I expected that we would have a high chance of  
6 prevailing either on the 8th Amendment issue or the  
7 illegal stop.

8           Q     The 8th Amendment issue being the supreme court  
9 one?

10          A     Right.

11          Q     Okay. So you never really intended to fight  
12 here with the intent to win -- or expectation to win, I  
13 guess?

14          A     Correct. I sort of knew the deck was stacked  
15 against me in this courtroom.

16          Q     Gotcha. So you have the motion to suppress  
17 hearing on the 28th of June 2019, right?

18          A     I believe that's right.

19          Q     Anything that happened there that triggered you  
20 as far as how you're gonna handle the case?

21          A     So prior to that, I had been made aware through  
22 Tanya Anthony, as well as Eric Grisham's deposition,  
23 that law enforcement had stated an intent to arrest my  
24 client if he were to show up for a hearing.

25          Q     Okay. And was that intent made known at the

1 suppression hearing as well?

2 A Yes. I wanted to make sure that that was their  
3 plan, so I asked Eric Grisham at that hearing, "What  
4 would you do if my client were here today for this  
5 hearing?"

6 Q Did he make it clear he'd be arrested and  
7 attempt to be deported?

8 A He said exactly that.

9 Q Okay. Let's talk a little bit about client  
10 civil cases and appearances. Tell the jury how that  
11 works. Do clients appear in more civil settings?

12 A So, generally, in a civil case, clients are not  
13 required to appear.

14 Q Okay. Are there times when a judge can order  
15 them to appear?

16 A The judge can order them to appear for things  
17 like depositions, but as far as the hearings themselves,  
18 their appearance is not required unless they've been  
19 subpoenaed to be a witness.

20 Q Gotcha. So was Jorge Flores in attendance at  
21 the June 28, 2019 hearing?

22 A No. He never attended any hearings.

23 Q Gotcha. Had you been discussing with him his  
24 illegal status up to this point.

25 A Yes.

1           Q     So you are aware from him, as well as the  
2 information in the case, that he was not lawfully here?

3           A     That's correct.

4           Q     Let's talk to the jury just a little bit,  
5 generally, what's it like representing an illegal  
6 client?

7           A     Well, it complicates things, obviously, because  
8 I'm in a position where I can't really advise him to  
9 come up here knowing that he will be arrested. So I  
10 can't give him advice that's going to be against his own  
11 interests. So we have to work within the rules to make  
12 sure that I'm representing his interests while also not  
13 subjecting him to arrest.

14          Q     And not helping with his own, you know,  
15 criminal nature of being illegal?

16          A     Right.

17          Q     We heard something along the way where you  
18 advised that he's illegal and he might need to return to  
19 Mexico?

20          A     That's correct.

21          Q     Is that part of that?

22          A     Yes. I had told him, you're in the country  
23 illegally. I have to advise you, you need to follow the  
24 law. So it would be in your best interest to return to  
25 Mexico, and we can deal with this case while you're

1 there.

2 Q And you're sure that clients follow your advice  
3 every time you give it, right?

4 A I wish they did.

5 Q I mean, we wouldn't be in this job if they did,  
6 right?

7 A Right.

8 Q Why -- why do you have to advise him not to  
9 follow -- not to continue to violate the law? What  
10 controls you that makes you do that?

11 A Well, I mean, I'm bound by the rules of ethics  
12 just like everyone else who's an attorney in this  
13 courtroom is, and so I can't advise clients to break the  
14 law.

15 Q Okay. And, I mean, even if it's not in his  
16 interest necessarily to leave the country, you still  
17 have to advise him not to follow -- not to continue to  
18 break the law?

19 A That's correct.

20 Q Gotcha. Okay. So after that June 28, 2019,  
21 motion hearing, do you talk to your client about what's  
22 said in that hearing?

23 A Yes.

24 Q How does that conversation go?

25 A Basically, I just made him aware that the state

1 confirmed that if he did show up, he would be arrested  
2 and turned over to the feds for deportation I assume.  
3 He indicated that he would not be willing to come up  
4 here in person, and so he asked me to try to resolve  
5 this case without him having to come here if possible.

6 Q Did you discuss alternative ways for him to be  
7 able to, you know, give testimony or depositions or  
8 anything like that?

9 A I did. We talked about that we could agree to  
10 do it via Zoom or Teams or some other digital interface.  
11 We talked about how we could do a telephone deposition.  
12 We also agreed that we would answer unlimited  
13 interrogatories.

14 And he even agreed that if the state wanted to  
15 accompany me to somewhere in Mexico, that he would be  
16 agreeable to meet them to answer whatever questions that  
17 they had.

18 Q Did you actually suggest Mr. Ladd go to Mexico  
19 with you?

20 A I believe did at one point.

21 Q How'd that go?

22 A He was not interested.

23 Q How weird. Okay. So you don't go to Mexico to  
24 depose Jorge Flores?

25 A We do not.

1           Q     So after that June 28 hearing, what's kind of  
2 the next thing that begins to happen in the case? I'm  
3 talking about the notices of deposition.

4           A     So the state filed a Notice of Deposition  
5 asking that he be ordered to come here, which I believe  
6 was just trying to get him here to arrest him.

7           Q     Describe to the jury what abusive discovery is.

8           A     So in response to the state's Notice of  
9 Deposition, I filed a Motion For a Protective Order due  
10 to abuse of discovery, and that's not like a normal  
11 protective order where you're dealing with a victim of  
12 domestic abuse or a victim of stalking.

13           It's specifically in a case where we believe that  
14 the other side is using the discovery process for  
15 abusive reasons.

16           Q     And do you think trying to deport somebody is  
17 an abusive reason?

18           A     Not in and of itself, but I believed that  
19 Mr. Ladd was trying to get him here solely so that he  
20 could be arrested and deported. Not because he really  
21 needed to ask him any questions --

22           Q     I understand.

23           A     -- and I do believe that was abusive.

24           Q     Gotcha. We -- I want to talk about the  
25 interrogatories a little bit more and kind of figure out

1 something. When some of the other people have discussed  
2 the interrogatories, they talked about attorneys  
3 typically, like, insert in objections or some legalese  
4 language on those?

5 A Right.

6 Q But yours don't have any of that?

7 A That is correct.

8 Q Would you explain to the jury why that is?

9 A So when I looked through them and went over  
10 them with Mr. Flores on the phone, we didn't feel like  
11 any of the answers would implicate him criminally or  
12 otherwise be objectionable, and we also discussed that  
13 since he was unwilling to come here, we wanted to be as  
14 open as possible.

15 So we thought by answering as many of their  
16 questions as we could -- we even answered more than we  
17 were required to answer and agreed to answer as many as  
18 they had. So we just wanted to be as forthcoming as  
19 possible to try to avoid the need for him to be here in  
20 person.

21 Q Okay. So at some point, do you -- does the  
22 state start making you aware that your client might be  
23 dead?

24 A From the almost beginning, yes.

25 Q Describe that for the jury, how those

1 conversations were going.

2 A So it started out Mr. Ladd being more joking,  
3 basically saying that he doesn't think I have a real  
4 client, that he can't imagine the cartel would allow him  
5 to steal that much money and stay alive.

6 And then it progressed to him actually filing  
7 pleadings where he said that he believed my client was  
8 likely dead. He specifically even said in south Texas  
9 or Mexico. And then he made that argument, I believe,  
10 on the record at least at a couple hearings.

11 Q And I know we've -- we've introduced it in some  
12 of the filings, we think, right?

13 A Yes.

14 Q What did that mean for you that the state was  
15 trying to say that your client was dead?

16 A Well, at that time, not much. I knew he wasn't  
17 because I was speaking to him.

18 Q What are you doing in response to anything at  
19 that point? Are you, like, filing any motions? Are you  
20 doing anything to, like, make them stop saying that or  
21 what?

22 A It didn't really bother me that they were  
23 saying it, so I really just kind of disregarded it at  
24 that time.

25 Q Are those kind of usual, like, negotiating

1 tactics, that kind of stuff?

2 A I don't know if I'd say usual, but I didn't  
3 find it that out of the ordinary.

4 Q Talk to the jury just a little bit -- not about  
5 this case yet, but generally, how do negotiations work  
6 in cases?

7 A So most cases get settled whether that's  
8 criminal or civil. It's rare that you end up in front  
9 of a jury or in front of a judge for a trial. So -- and  
10 that's -- that's true in this case. There were  
11 negotiations back and forth. The state had offered to  
12 settle at one point.

13 We had made counter offers to settle, that process  
14 went back and forth. We never got close to an  
15 agreement, but there were settlement agreements  
16 discussed.

17 Q When -- generally speaking, when you discuss  
18 settlements with the opposing party, have you already  
19 discussed those with your client?

20 A Yes.

21 Q All right. So now let's turn to this case  
22 particularly. Had you discussed with Jorge -- through  
23 Alicia -- how to settle this case, how to resolve it,  
24 that kind of thing?

25 A So at the beginning, I told them this would be

1 a lengthy process because we expect an appeal, so we're  
2 not going assume that we can go in there and get your  
3 money back in a month. So if you want that to be a  
4 possibility, you need to look at settling.

5 And so at that point, he had authorized me to settle  
6 for, I think -- in the beginning he just said he would  
7 basically leave it up to my judgment. At some point he  
8 called me with a specific amount that he told me to  
9 extend a settlement offer for.

10 Q Okay. Was that still in 2019 or is that going  
11 into 2021 or anything like that?

12 A That would have been 2019. I don't recall the  
13 exact time, but it was in 2019.

14 Q And are you conveying these types of settlement  
15 offers to the state as you talk them over with your  
16 client?

17 A Yes, I do.

18 Q When you're talking to your client -- excuse  
19 me -- about settling, are you also discussing how the  
20 case should proceed?

21 A Yes.

22 Q Have you discussed the nature of a jury trial  
23 or bench trial with your client?

24 A Yes, I had.

25 Q What did you tell him about, in this case, what

1 a jury trial versus bench trial means?

2 A So, essentially, I explained to him what a jury  
3 trial was in a civil case and what a bench trial was,  
4 and I expressed to him my opinion that I did not think a  
5 Carter County jury would be very sympathetic to his  
6 claim due to his illegal status and his possible cartel  
7 affiliation.

8 So we decided it would be better to try it in front  
9 of a judge, which would also be a quicker resolution.  
10 It usually takes a long time to get to jury trial in a  
11 civil case.

12 Q Would that also get you to the appeal process  
13 faster?

14 A Yes.

15 Q And was your client aware that you --

16 A He was.

17 Q -- intended ultimately to get it to appeal?

18 A That's correct.

19 Q So was that speed at least helpful in the  
20 discussion?

21 A Yes, it was.

22 Q So let's talk about that late 2019, you started  
23 to get some specific settlement offers. What was going  
24 on?

25 A So the settlement offer that Mr. Flores relayed

1 to me is that he would let the state take 200,000, and  
2 he wanted to get back 167 -- whatever that difference  
3 is. And then I remember the phone conversation because  
4 Alicia, the one I was talking to, she said, But the  
5 lowest he would take is -- and then she named a really  
6 specific amount. It wasn't even like an even hundred  
7 dollar increment.

8 And I said, that's a really strange amount. Where  
9 did he come up with that.

10 And she indicated that was how much she owed on her  
11 mortgage and that he was going to use the money to pay  
12 her house off for her.

13 Q Gotcha. Is that sort of common saying, here's  
14 what I want, but here's the minimum I'll take?

15 A At times. Because we know there's always back  
16 and forth negotiations. So I need to know what his  
17 bottom dollar was.

18 Q And then do you rush right to the DA and go,  
19 Here's our bottom dollar?

20 A No. No.

21 Q Explain how that kind of -- that process works  
22 working in that way.

23 A Sure. So I believe on the same day I had that  
24 phone call, I messaged Mr. Ladd and told him, hey, I  
25 talked to Mr. Flores. We'd be willing to settle case,

1 and here's what he would agree to.

2 Q And was Mr. Ladd engaging in those  
3 conversations?

4 A Somewhat. We didn't reach an agreement, but I  
5 think he did respond.

6 Q But just never getting anywhere close enough?

7 A Yeah. We were always far apart.

8 Q Anything -- let's talk about communication for  
9 a minute. Are you everyday talking to these people,  
10 every week, every month? How's that work?

11 A So for -- in 2019, I probably talked to Alicia  
12 and Jorge eight to 12 times I would guess, and then  
13 after -- after late 2019 or early 2020, I did not have  
14 any more direct contact with either of them.

15 Q Okay. After this June 28 hearings, is that  
16 when he started to peter off?

17 A Yes. I think he was concerned that -- one, he  
18 figured out there was a chance that the state was -- may  
19 try and get him up here and the Court may require that,  
20 he was -- you could tell he was a little gun shy at that  
21 point.

22 Q Gotcha. But are you still having mail  
23 communication?

24 A Yes.

25 Q So as 2019 winds down, is there anything

1      particularly going on with the case substantively?

2      A      No.

3      Q      And then 2020, we get the COVID issue and  
4      that's pretty much a dead year, right?

5      A      Nothing happened on this case, that I remember,  
6      in 2020.

7      Q      Okay. And everything is still lingering,  
8      right? You'd already filed your motion to quash the  
9      deposition?

10     A      Right.

11     Q      And that hadn't been ruled on yet?

12     A      That's right. That was not ruled on until July  
13    of 2022.

14     Q      So during this time -- you said you started to  
15    lose communication, get into '20 and the COVID issue.  
16    How's your communication through '20?

17     A      So I don't have any contact with Alicia or  
18    Jorge in 2020 that I recall.

19     Q      Okay. And then 2021, let's get to that. You  
20    finally get the ruling on the Motion to Quash the  
21    Deposition?

22     A      No. That's 2022.

23     Q      Sorry. I'm getting my years confused.

24     A      Well, there's a lot.

25     Q      So July of '21, what's going on?

1       A     So in July of 2021 we appear in front of Judge  
2 Morris and Mr. Ladd indicates that he wants to set this  
3 matter for hearing.

4       Q     For trial?

5       A     Yes.

6       Q     What's your reaction?

7       A     I mean, I'm fine with that, but there were also  
8 a lot of motions that needed to be decided before we  
9 were ready for that point, but --

10      Q     Is that -- did Judge Morris seem to realize  
11 that there were still pending motions and motions that  
12 needed to be filed and heard, things like that?

13      A     Not to my memory.

14      Q     In a civil case, do you typically have to do a  
15 Waiver of Jury Trial?

16      A     No.

17      Q     Explain how that worked in this setting?

18      A     Well, in a civil case, the parties don't  
19 necessarily have the right to a jury trial. They have  
20 the right to demand a jury trial, which means you have  
21 to pay the jury fee and specifically request the trial.

22           In this case we were never wanting to do that. We  
23 were always planning on having a judge trial, but for  
24 some reason Judge Morris, in, I think, July 19 of 2021,  
25 stated that he needed my client to sign a written Waiver

1 of Jury Trial.

2 Q Did he tell you why he wanted that?

3 A No. I think -- no. Actually, I do. I think  
4 he made a statement about how because so much money  
5 involved, he wanted something on the record.

6 Q Gotcha. And what did you do to get that  
7 waiver.

8 A So I called the number that I had. I was not  
9 able to reach anyone. I don't recall if it was  
10 disconnected or just not accepting calls or what the  
11 exact circumstances was, but I was not able to get a  
12 hold of anyone.

13 So I drafted a Waiver of Jury Trial and I prepared a  
14 note -- I think I wrote a letter saying, Hey, the judge  
15 wants this document signed. We need to file it with the  
16 court. So please look it over. Call me if you have any  
17 questions, and then I also remember putting in there  
18 please also update me contact information because I need  
19 to be able to get a hold of you.

20 Q Okay. And then you made that out -- was it to  
21 the same address that you had been mailing things  
22 before?

23 A It was.

24 Q Did you get that back?

25 A We did. About three weeks later.

1 Q What did you do when you got it back?

2 A I filed it with the Court and that was it.

3 Q Did you get anything other than that signed,  
4 the Waiver of Jury Trial?

5 A Not -- it was just our self-addressed envelope  
6 with that signed waiver inside. They did not include  
7 any updated contact information or anything else.

8 Q There -- was there anything about the Waiver of  
9 Jury Trial that said, hey, this might not be the same  
10 person?

11 A No.

12 Q Did anything seem suspicious or weird or odd  
13 about the Waiver of Jury Trial when you got it back?

14 A No.

15 Q All right. Did you actually get set for jury  
16 trial on that July 19, '21 date?

17 A We did not.

18 Q What happened on that day? What happened with  
19 the case? It got moved to another pretrial or what?

20 A I think another some sort of hearing was set.  
21 I don't recall what it was. Actually, I would have to  
22 refer to the docket sheet, but I think maybe Judge  
23 Morris struck it from the docket because he knew that we  
24 were not going to be requesting a jury trial.

25 Q If you'll look at State's Exhibit 6, that's the

1 docket sheet. It might help you refresh your memory.

2 A It appeared that the July setting just sort of  
3 went away.

4 Q Okay.

5 A I'm not sure how.

6 Q All right. So what's gonna happen with the  
7 case after that July 19 setting? Like, how does it  
8 proceed if it was just stricken and what's going on?

9 A Well, at some point, it would need to be set  
10 for a judge trial, but before that should happen, there  
11 would need to be a ruling on several of the motions that  
12 were pending at that time.

13 Q At the July 19 date -- or I guess I should back  
14 up. The plaintiff in that case, is the plaintiff  
15 also -- would that be the state, Craig Ladd?

16 A Yes.

17 Q Do they also have the right to request a jury  
18 trial?

19 A I don't believe so in a civil case.

20 Q Okay. Was he doing anything to delay the jury  
21 trial or anything like that?

22 A Not that I recall. No. I know we never paid  
23 for one. You have to actually pay the fee to get a jury  
24 trial.

25 Q Not fighting you on the issue of having a bench

1 trial?

2 A No.

3 Q Okay. So after that, the rest of '21, is  
4 anything going on in real substance with this case?

5 A No.

6 Q So let's turn our attention to 2022. At this  
7 point, how is your communication with Jorge, slash,  
8 Alicia?

9 A I have almost forgotten about the case at that  
10 point.

11 Q Why?

12 A Well, it's just been sitting in my filing  
13 cabinet. Nothing has really been going on, other than  
14 mailing that waiver out July of '21, nothing had really  
15 happened at that point for almost three years.

16 Q Okay. And then -- so what are you doing?

17 A Well, really waiting at that point, until the  
18 judge rules on motions or we get it set for a trial  
19 date, there's not a lot to do.

20 Q We heard you had some negotiations with Melissa  
21 Handke in January of 2022?

22 A So I believe it was January 3, 2022, and I say  
23 that because I text Craig that day. I received a call  
24 not from Alicia, but from a man saying that he was  
25 calling for Jorge, and letting me know that Alicia was

1 being foreclosed on, and that Jorge wanted to settle  
2 this case quick and that we needed to get it done by the  
3 end of the month.

4 Q Okay. Had you spoken to that man before, that  
5 you know of?

6 A Not that I know of.

7 Q All right. What he was telling you, was it in  
8 line with what you'd already discussed with your client?

9 A I knew about the planning to pay off the  
10 mortgage, so it didn't seem terribly out of the  
11 ordinary, but it seemed odd, and the person refused to  
12 tell me who they were, and they were calling from a  
13 blocked number. And when I asked for contact  
14 information, they hung up.

15 So it was a strange phone call, which is one of the  
16 reasons I remember it, but there was -- there was  
17 nothing that indicated that he wasn't being truthful  
18 about that being Jorge's request.

19 Q And did you try to get it settled nonetheless?

20 A I did. I sent Craig a message that day  
21 relaying that settlement offer to him.

22 Q I mean, if you're getting this weird call, why  
23 are you trying to pay attention to it?

24 A Well, again, I knew that Jorge had stated that  
25 he was planning to use the money to pay off her

1 mortgage. So the fact that this person knew the name of  
2 Jorge and Alicia, and stated that it was because she was  
3 being foreclosed on, that seemed to fit with what I knew  
4 about the case.

5 Q So it doesn't really change your plan in any  
6 way?

7 A No. Not at all.

8 Q All right. So let's look at then to July 11,  
9 '22, when Judge Morris finally rules on the deposition  
10 motion.

11 A Right.

12 Q Talk about that the with the jury a little bit.

13 A So at that time he denied my request for a  
14 protective order, and he ruled that Jorge would have to  
15 appear for a deposition.

16 Q Okay. What does that mean to you?

17 A Well, it means that if I can't get Jorge to  
18 come up here, that there will be some negative  
19 consequences to his case.

20 Q What kind of negative consequences could ensue  
21 from failing to come to a deposition?

22 A Well, as Ms. Handke said, there are a few, and  
23 the Court has discretion, but the most extreme -- which  
24 is not the preferred method -- is to just grant the  
25 opposing party's request, which would be to forfeit the

1 money.

2 That's not preferred and that's not a likely  
3 outcome. It's not likely to be upheld on appeal anyway.  
4 So more likely, the judge would sanction us by saying  
5 you can't present a defense or you can't testify on your  
6 own behalf at trial.

7 Q And -- and that may seem kind of weird to a  
8 jury sitting on a criminal case, that you can't testify  
9 on your own behalf. Talk about how that differs in a  
10 civil case.

11 A So in the criminal case you have the right to  
12 remain silent. You do not have to take the stand at  
13 all. In a civil case, anyone can be called to the  
14 stand, but then that person has the right to plead the  
15 fifth to specific questions, if those questions  
16 implicate them criminally.

17 Q Do they -- do they have a right -- kind of like  
18 in a criminal case, you have a right to testify. In a  
19 civil case, do you have the same kind of rights?

20 A Yes.

21 Q To testify or not testify?

22 A You can choose to. Yeah.

23 Q Can the judge then limit that? Is that lawful  
24 that they can say, "you can't testify" in a civil case?

25 A If you refuse to show up for depositions, yes,

1 that is lawful.

2 Q So not the same constitutional rights. It's a  
3 statutory right otherwise?

4 A Correct.

5 Q Gotcha. Okay. So once you find out that the  
6 judge says, get your client here for deposition. What  
7 do you start doing?

8 A I start trying to find him.

9 Q How?

10 A Well, I first call the number that I have.  
11 It's still not working. I believe that is when I  
12 reached out to Tanya Anthony to see if she had any other  
13 phone numbers, and she gave me the numbers that were in  
14 her file. I called those numbers. None of them were  
15 working. So then I started doing my own research trying  
16 to find him.

17 Q What kind of research are you doing?

18 A Online.

19 Q Such as?

20 A So there are a few different sites that you can  
21 go to find people, but in this case it was pretty easy,  
22 because I Googled Jorge Flores, April, 1964, and the  
23 first thing that came up was an obituary from  
24 Brownsville, Texas.

25 Q Tell the jury about that. What did you see in

1 that obituary?

2 A So the obituary stated that a man named Jorge  
3 Flores, who was 57 years old, died in Brownsville,  
4 Texas, on April 20, 2022; that he was unmarried, and  
5 that he had one child, who was a daughter named Alicia.

6 Q What about that triggered with you anything  
7 about your client?

8 A Well, all of it. I mean, every piece of  
9 information matched up perfectly with what I know about  
10 my client, with the exception of Brownsville, but I also  
11 remembered Eric Grisham -- who had testified a few days  
12 ago -- whenever that was -- that before Jorge was pulled  
13 over in Carter County, his car had been spotted in  
14 Mercedes, Texas, which is right outside of Brownsville.

15 Q Okay. And did you look that up where those  
16 were? Mercedes vis-á-vis Brownsville?

17 A I did.

18 Q And for anybody that doesn't know, where's  
19 Brownsville in relation to the border?

20 A Basically on it.

21 Q So Mercedes is just a few miles past that?

22 A I think it's about 18, 20 miles, something like  
23 that.

24 Q Okay. So once you see that obituary, what's  
25 your next step?

1 A I asked Ms. Stevens to try to get the death  
2 certificate from Texas so that we could compare, because  
3 the obituary did not have a photo. It did not have a  
4 middle name. It did not have a date of birth.

5 So what we had matched up -- but I was hoping that  
6 we could get more information so that we could verify.  
7 So we requested a death certificate from the State of  
8 Texas.

9 Q What were the results of that request?

10 A So they would not give us one because we are  
11 not one of the persons entitled to a death certificate  
12 under Texas law.

Q will you look at State's Exhibit No. 28.

14 | (Counsel confer.)

15 Q (By Mr. Pond) We're looking at what you  
16 attached to motion as Exhibit 1 on the screen. Is that  
17 the verification of death?

18 A Yes, it is.

19 Q Okay. Talk about that a little bit with the  
20 jury. Did you get that?

21 A Yes. So Texas would not release a death  
22 certificate because we were not one of the parties  
23 entitled to it, but they would release this verification  
24 of death to us.

Q Do you remember what the parties entitled to it

1 were?

2 A It was basically family members. There were --  
3 I don't recall who all was on the list. I just know  
4 that I would have had to basically lied to Texas in  
5 order to get a copy, and I was not going to do that.

6 Q Gotcha. So is this the best you could get from  
7 Texas?

8 A Yes, it is.

9 Q What'd you do once you got this?

10 A So, unfortunately, this had even less  
11 information than the obituary did.

12 Q Sure.

13 A I believe that's when I called Mr. Ayache to  
14 ask him what I should do.

15 Q Okay. How'd that conversation go? Well, let  
16 me back up a minute.

17 A Sure.

18 Q Why would you call Mr. Ayache?

19 A We went to law school together. He's a friend  
20 of mine. We've known each other for a long time. I  
21 knew that he did a lot of probate work, and I also  
22 remembered that he had had a similar situation, where  
23 one of his clients with a forfeiture case had passed  
24 away, and so I figured if anyone knew what to do, he  
25 would be the one to ask.

1           Q     Okay. Talk about that conversation with  
2 Mr. Ayache. How'd that go?

3           A     So I called him and I said, "Hey, I've got this  
4 forfeiture case that I've been fighting for a few years,  
5 and it looks like my client's dead. What do I do?"

6           Q     Did you do anything else with the obituary or  
7 verification of death to try and narrow down the  
8 possibility that your client wasn't your client?

9           A     I did. So the obituary listed a nursing  
10 facility in Brownsville. We heard the gentleman testify  
11 who was -- who works there. I can't remember the name  
12 of it, but I called that facility --

13          Q     Fox Hollow place?

14          A     That's right. And so I called that facility,  
15 and asked them if they could give me a death certificate  
16 or in the alternative at least give me a number and name  
17 for maybe the next of kin so that I could contact  
18 someone, thinking maybe the family could get in touch  
19 with me.

20          Q     Who did you speak with? Do you recall?

21          A     It was a female. I remember she put me on hold  
22 for probably five to ten minutes, came back and said  
23 they can't release that information.

24          Q     Okay. What else?

25          A     I left a phone number. I told them if they

1 would pass that along to the family, I would appreciate  
2 it. I never heard back on that. I also called the  
3 funeral home and made the same request and was also told  
4 that they cannot release that information to me.

5 Q Okay. Anything else in the obituary that gave  
6 you something to followup on and try to track down  
7 information?

8 A There were siblings listed, but it didn't have  
9 addresses for any of those siblings, and so I never  
10 actually got far enough in to try to get ahold of any of  
11 those people.

12 Q What about the daughter that was listed, Alicia  
13 Flores?

14 A So it listed her as Pasadena. Mr. Ayache told  
15 me that we needed to have, basically, somewhere to mail  
16 something to her. So I did some research, and there  
17 were a few Alicia Flores that were living in Pasadena at  
18 that time, but there was only one that was of the right  
19 age to possibly be his daughter.

20 Q Describe that for the jury. Why -- what do you  
21 mean by "the right age?" How are you estimating that?

22 A Sure. So I -- I knew she was an adult when she  
23 called me in 2019 -- or at least I assumed she was an  
24 adult in 2019, since she was paying bondsmen with a  
25 credit card and things like that.

1       So there were some Alicia Flores in Pasadena, who  
2 were, like, close to Jorge's age, so I knew those could  
3 not be his daughter, and then I believe there was one  
4 that was like 18 in 2022, so she would have been, you  
5 know, 15 at the time of the stop here in Carter County.  
6 So I was able to determine that that couldn't have been  
7 her. So the only one that really potentially could be  
8 her would be the 710 Valerie Lane, I believe.

9           Q     How'd you come up with that address?

10          A     Public records search.

11          Q     Gotcha. So that wasn't an address given to you  
12 by the Alicia you were talking to?

13          A     No. I had lost contact with her prior, and  
14 I -- I don't know that I ever had an actual address for  
15 her.

16          Q     Okay. You just had the Lemon Drive address?

17          A     That's correct.

18          Q     Did she ever say she lived at that Lemon Drive  
19 address or just that's where you sent this stuff to?

20          A     She did not. And he said in the interrogatory  
21 responses that that was his stepdaughter, Maria's,  
22 house.

23          Q     So were there any other steps that you could  
24 think of taking to try and determine whether or not the  
25 deceased Jorge Flores was your actual Jorge Flores?

1       A     Short of getting the death certificate, no.

2       Q     So at the point -- at this point, are you going  
3 on the -- the belief that that's your Jorge Flores?

4       A     Absolutely.

5       Q     So then you're talking to Micah, what do y'all  
6 decide to do?

7       A     So what he suggested is that we file a probate  
8 to basically preserve his rights in this county as to  
9 the forfeiture case. So, we filed a petition for  
10 probate asking that I be appointed as Personal  
11 Representative.

12      I don't remember -- I think that Mr. Ayache  
13 suggested that because I was already the attorney on the  
14 forfeiture case, I believe, he said that would make  
15 sense, and then he volunteered to do the probate for me,  
16 since I didn't know how to do that.

17      Q     And what was the intent of naming you Personal  
18 Representative? We've already heard there's statutory  
19 people that can come and get it --

20      A     Sure.

21      Q     -- but what is that intent naming you vis-à-vis  
22 Alicia Flores?

23      A     So, I was already representing Jorge. I was  
24 already fighting for his rights in the forfeiture case  
25 so we thought it made sense, but more importantly, we

1 didn't know how to get ahold of anyone else. So we  
2 didn't know of any other person who would be willing to  
3 serve as Personal Representative.

4 Q Okay. And at this point, do you know anything  
5 about -- well, I guess you know from the  
6 interrogatories, Maria, the stepdaughter?

7 A He -- yes. He mentioned that that's where he  
8 received mail.

9 Q Did you discuss with -- with Micah or make a  
10 determination why was Maria not listed on the probate?

11 A Well, my understanding of probate law is that  
12 the stepchildren are not entitled to notice or hearings  
13 or anything like that.

14 Q Okay. They're not takers under the estate?

15 A That's correct.

16 Q Okay. So then there was some discussion -- I  
17 can't remember which witness -- but discussed that you  
18 would normally list aliases on a probate petition?

19 A I heard that testimony, yes.

20 Q Did you discuss that with Mr. Ayache or  
21 anything about Jorge having another name or anything?

22 A So I don't think I told him that information.  
23 I -- I wasn't aware that aliases needed to be disclosed.  
24 I don't recall Mr. Ayache asking me if he had aliases.  
25 And I also knew that was a fake name, so I would say

1 more so than an alias, that was the name of the fake  
2 license that he had. And we knew the real name was  
3 Jorge Flores.

4 Q Okay. So then you get these things filed. Why  
5 are you filing them?

6 A I felt like I was obligated to.

7 Q Okay. Let's talk about the position of filing,  
8 at this point, in Carter County, who's hearing probates?

9 A Judge Baldwin.

10 Q Who was he to you?

11 A He was the judge here for, I guess, about ten  
12 years. He recently lost an election. He did not like  
13 me at all.

14 MS. WHATLEY: Objection, Your Honor. May we  
15 approach?

16 THE COURT: You may.

17 (The following bench conference was had  
18 outside the hearing of the jury:)

19 MS. WHATLEY: I feel like this is violating  
20 motions in limine about conversations about the election  
21 and what was going on with Judge Baldwin, and that's not  
22 relevant to what was filed in the probate. Judge  
23 Baldwin doesn't have anything to do with the documents  
24 that this person, Jason May, filed in the probate. You  
25 already ruled on that.

1                   MR. POND: Him filing a probate in front of  
2 a judge that doesn't like him, counters any intentional  
3 trying to take this money, because a judge that doesn't  
4 like him has the potential to create more problems than  
5 anything in filing those things. So he's not gonna file  
6 one in front of a judge that doesn't like him, if he's  
7 intending to steal the money.

8                   MS. WHATLEY: But, also, he doesn't pick --  
9 and like the district judges in the Courts, they decide  
10 which judges do which cases and what the assignments are  
11 for probate as well.

12                  MR. POND: Yeah. And the probate always  
13 gets assigned to Baldwin.

14                  THE COURT: I think that's what she's saying  
15 is that there's no judge shopping. I don't really see  
16 the relevance of this line of questioning, and,  
17 obviously, part of the "that's what his thinking of me"  
18 goes and that sort of thing, that is part of the motion  
19 in limine, so we will not get into that.

20                  You just touched on that. I just want to make  
21 sure that we don't get into that line of questioning as  
22 far as campaigning and it's --

23                  MS. WHATLEY: The election.

24                  THE COURT: It's irrelevant to this matter.  
25 So, Counsel, there will be no line of questioning about

1 "judge doesn't like me" or get any further details like  
2 that. It's irrelevant.

3 MR. POND: Just note my continuing objection  
4 because I think it goes to his intent in filing it. I  
5 just want a continuing objection to that ruling.

6 THE COURT: I will. The record will note  
7 your objection.

8 (Within hearing of the jury:)

9 Q (By Mr. Pond) So let's talk probate a little  
10 bit. I know it's not your area of expertise, but -- so  
11 in filing a probate, what does it mean as far as  
12 supervision of the money?

13 A So in a probate, all transfers of funds have to  
14 be approved by the Court.

15 Q So you don't just get to go, money comes in. I  
16 put it in my pocket?

17 A Not at all.

18 Q And we've heard from more people that are more  
19 informed on how the checks go and accounts and  
20 supervision, but were you at least aware of that level  
21 of supervision when you're filing the probate?

22 A I was.

23 Q So you file the probate. What's kind of the  
24 next steps after filing the probate?

25 A So after we filed the probate, we had a

1 hearing. At that hearing, Judge Baldwin approved me  
2 being the Personal Representative, and then I believe  
3 the same day that happened, we filed what's called a  
4 suggestion of death in the forfeiture cases, basically  
5 informing the Court that the client is deceased, and  
6 then we also filed a motion to substitute parties asking  
7 that Jorge Flores be essentially replaced with the  
8 Estate of Jorge Flores.

9 Q There was some, you know, some discussion made  
10 about, you filed the suggestion of death, substitution  
11 of parties on the same day you got appointed as  
12 representative.

13 A That's correct.

14 Q Are there timing issues in those kinds of  
15 things?

16 A So I wanted to wait until I was appointed as  
17 Personal Representative before we moved to substitute,  
18 so there would be a proper party to substitute.

19 Q And are there also timing issues with the  
20 suggestion of death and substitution, in order to get  
21 those done appropriately?

22 A There are.

23 Q Were you trying to meet those deadlines?

24 A We were.

25 Q All right. So you file -- you're appointed

1 Personal Representative in mid-September?

2 A 14th, I believe.

3 Q Okay. And then is there anything going on with  
4 the CV cases at that point?

5 A Not at that point, no.

6 Q Had the state filed for more depositions or  
7 anything? Give you notice of dep -- sorry.

8 A They did sometime around there. I don't recall  
9 the exact timing, but they did. Yes. Shortly after the  
10 judge ruled that they could get Jorge here, they tried  
11 to get Jorge here.

12 Q So we use the term legally, due diligence.

13 Describe for the jury what due diligence is as it  
14 pertains to trying to locate or represent your client  
15 who might be deceased?

16 A Basically, using any tools at my disposal to  
17 determine where he is, and whether he's deceased and  
18 what verification we have of that.

19 Q Were you engaging in all of that after Judge  
20 Morris ruled that your client had to present for a  
21 deposition?

22 A I was.

23 Q So let's move to this September 28. We heard  
24 Craig Ladd discussing the conversation that you and he  
25 had?

1 A Yes.

2 Q Describe for the jury how that conversation  
3 went for you?

4 A We were in this courtroom. We were standing, I  
5 think, right about where Ms. Whatley is sitting, waiting  
6 on a hearing to start.

7 Q Was it your hearing or was --

8 A It was a criminal docket so there probably were  
9 multiple hearings set at that time.

10 Q So nothing to do with these cases, just sitting  
11 otherwise?

12 A Right. We were here on an unrelated criminal  
13 case.

14 Q Gotcha.

15 A And so we just started having a conversation  
16 about this case.

17 Q Describe that conversation.

18 A So Mr. Ladd had basically made a statement of,  
19 are you sure your client's dead?

20 And I said, "Yes. Based on all the information I  
21 have, it looks like my client is dead."

22 And then I remember him making a comment of, does  
23 your client even have a daughter named Alicia?

24 And I said, "Yes. Alicia is the one I've been  
25 talking to from the beginning."

1       And then he made some comment to indicate that he  
2 didn't believe my client was dead. And I remember  
3 telling him, I couldn't get the death certificate, but  
4 you guys can probably get it since you have access to  
5 law enforcement, so if you would get that for me, that  
6 might clear this up. Because if I was wrong I wanted to  
7 know that.

8           Q     And we've heard that like he had said the  
9 conversation was like your guys could do a better job.  
10 Do you remember saying that or something like that?

11          A     I don't know that that was my exact words, but  
12 probably something along those lines.

13          Q     Okay. So you were discussing with him, getting  
14 law enforcement involved?

15          A     Yes.

16          Q     Why did you think law enforcement needed to be  
17 involved?

18          A     Well, I knew that I had struck out trying to  
19 get the death certificate, and obviously the death  
20 certificate is going to be the best evidence of whether  
21 this deceased person was, in fact, my client. So I  
22 wanted that. So I was hoping that Mr. Ladd could get  
23 it.

24          Q     So did he give any indication that he was going  
25 to get somebody involved or somebody was already

1 involved? What?

2 A I think he said, like, I'll look into it.

3 Something along those lines.

4 Q What's the next thing that you know that's  
5 going on with your cases?

6 A So two days later, Friday, September 30, 2022,  
7 I'm at lunch with my wife, and I get a text message from  
8 Rick Batt saying he needs to talk to me about a case  
9 that got dumped in his lap.

10 Q And then what?

11 A I called him back after lunch, and I said,  
12 "What case is it??

13 And he said, "Yours. Craig Ladd asked me to look  
14 into you for fraud."

15 Q So what do you do?

16 A I drive to my office and meet Rick there.

17 Q We've heard recordings from that meeting?

18 A Yes.

19 Q Anything to doubt about that recording?

20 A No.

21 Q Did you know you were being recorded?

22 A I did not.

23 Q What was your intent -- I mean, you're a  
24 criminal defense attorney, right?

25 A Right.

1           Q     What do you normally tell clients when police  
2 say, "Hey, let's talk."?

3           A     Shut your mouth.

4           Q     Why didn't you do that?

5           A     Well, honestly, I didn't feel I had anything to  
6 hide, and I also was hoping that we could resolve this.  
7 I mean, if I was wrong, I wanted to know, and so I was  
8 hoping that law enforcement would be more interested  
9 into maybe helping us find the truth than building a  
10 case against me.

11          Q     Okay. So when you are talking with Rick Batt,  
12 are you giving him as much as you can?

13          A     I do.

14          Q     What kind of limitations do you have, at that  
15 point, related to your interactions with your client,  
16 that sort of thing?

17          A     So I'm not able to disclose anything that my  
18 client has disclosed to me that is confidential in  
19 nature or anything that could be used against my client.

20          Q     Okay. After that conversation with Rick Batt,  
21 what's the next thing that happens?

22          A     So I gave Rick that phone number that day. I  
23 did not think that would be privileged since it was not  
24 Jorge's number. It was Alicia's number. I didn't think  
25 that would be violating anything. I don't think he

1 asked for address at that time, but I did tell him that  
2 I would not be able to give him that because of the  
3 warrant and the fact that if my client can be located at  
4 that address, he would be arrested.

5 Q At some point after that meeting, you reached  
6 out to Tanya Anthony?

7 A So the next day, Rick Batt followed up with me  
8 to tell me that he had found my client, and that he was  
9 living in Tyler, Texas.

10 Q Let's back up just a minute. I mean, you meet  
11 up with Rick Batt September 3. Do you remember what day  
12 of the week that was?

13 A Friday.

14 Q So he's reaching out to you on a Saturday?

15 A That's right.

16 Q And he's telling you he found your guy?

17 A Yes.

18 Q What's that? What's going on there?

19 A So he tell's me, I found your guy. He's alive.  
20 He lives in Tyler, Texas.

21 And I said, "Great. Can you send me some proof of  
22 that?"

23 And he sent me some screenshots from some sort of  
24 database that was showing my client was living in Tyler,  
25 Texas at, like, a Duke Street address or something along

1 those lines.

2 Q Do you know where Tyler is vis-á-vis the other  
3 cities we've talked about.

4 A Not too close, but it's still in Texas.

5 Q Okay. And then what? What -- does he say,  
6 "Aha, I got 'em. We're coming up. We're gonna all talk  
7 together."?

8 A So at that point I believe that is when I  
9 reached out to Tanya Anthony to see if she had any more  
10 information, because I was still trying to figure this  
11 whole thing out because my client went from being dead  
12 to living in Tyler, and so I was wanting to know what's  
13 going on at this point.

14 So I think that's when I reached out to Tanya and  
15 she sent me a copy of the bond sheet on that day.

16 Q Is that the one that she was testifying that  
17 she looked at the text messages and confirmed it was  
18 October 1?

19 A Yes, that's right.

20 Q So is that the first time you actually saw the  
21 bond sheet?

22 A Yes, it is.

23 Q Did you go over that bond sheet much at all?

24 A I mean, I looked at it and that's when I  
25 noticed that she had the same phone number that I had

1 for Alicia, listed as Maria, the stepdaughter's, phone  
2 number.

3 Q And we heard that in the October 24 recording  
4 between you and Mr. Batt. Do you recall that?

5 A I do.

6 Q Because he's the one that said, "Oh, you have a  
7 number and it's the same as Maria's."

8 And you were like, oh, okay.

9 A Yeah.

10 Q Kind of surprised?

11 A Yeah. It was weird.

12 Q So are you -- are you starting to get hints or  
13 information that make you doubt Alicia was Alicia?

14 A At this point, I'm wondering what's going on.  
15 It's clear that there's something fishy going on.

16 Q Okay. So October 1, being Saturday, anything  
17 else happen Saturday or Sunday?

18 A He sent me those screenshots from Tyler -- of  
19 Tyler, Texas, Jorge Flores. I don't recall anything  
20 else happening over the weekend.

21 Q What do you do on Monday?

22 A I filed a -- well, I let Mr. Ayache know what  
23 was going on because, obviously, he had gotten dragged  
24 into this whole thing with me.

25 Q Let's talk for just a minute the -- the

1 position of you and Mr. Ayache. You're Jorge Flores's  
2 attorney, right?

3 A Right.

4 Q Mr. Ayache is your attorney, right?

5 A Right.

6 Q For probate cases?

7 A Correct.

8 Q So what are you doing to keep him informed of  
9 this information as it pertains to the probate?

10 A So I just basically called to let him know,  
11 Hey, law enforcement thinks that my client's not dead.  
12 He's living in Tyler, Texas.

13 And he said, "Have you seen any proof of that?"

14 And I said, "Well, at this point, they filed some  
15 things, but I can't be for sure."

16 So what he suggested was that we file a motion to  
17 stay proceedings, and so we did that in both the probate  
18 and the forfeiture cases.

19 Q Okay. And what are you asking to stay for?

20 A Basically, I'm asking the Court to just hit the  
21 pause button so that we can finish an investigation and  
22 decide whether the deceased is my client. I mean, we  
23 really need to know a lot more information before we can  
24 act appropriately.

25 Q You're also aware that you're being

1 investigated?

2 A Yes.

3 Q Do you seek any advice on that issue?

4 A Not at that time.

5 Q Did you -- did you talk to the bar association  
6 or reach out to the bar association beyond that October  
7 1 -- or I guess October 1 was Saturday -- so October 3?

8 A It would be that week, yes. I did reach out to  
9 the bar just asking them what information I could  
10 ethically disclose to law enforcement.

11 Q And I don't want to get into what the legal  
12 rules are, but are there rules you have to follow?

13 A There are.

14 Q And is it -- is it this bar's duty to kind of  
15 give you advice on how to follow those rules?

16 A They have an ethics counsel and that's his job.  
17 Yes.

18 Q Did you ever hear back from them?

19 A So he was on vacation the week that I had  
20 reached out, but I did hear back from him within ten  
21 days or so.

22 Q And did they give advice on what you could and  
23 couldn't do?

24 A They did.

25 Q And did you follow that advice?

1       A     I did.

2       Q     I mean, we heard in the recording you can't  
3 give out the address of your client?

4       A     Yes.

5       Q     Okay. All right, so between that October 3,  
6 Monday, when you were filing a Notice of Stay what else  
7 is going on? Anything after that that you file or try  
8 to engage in?

9       A     So I don't recall filing anything at that time.  
10      The next thing that I remember filing would have been  
11      after the second interview with Rick, which is October  
12      24.

13      Q     There was a hearing on October 17, do you  
14      recall that?

15      A     Oh, yes. I do, and I believe I basically  
16      reiterated to the Court, we don't -- we don't have  
17      enough information. We need to put a pause on this  
18      thing and figure out what's going on.

19      Q     Okay. So still waiting on information to come  
20      in from law enforcement, whoever's working?

21      A     Right.

22      Q     And then you meet again with Detective Batt on  
23      the 24th?

24      A     That's right.

25      Q     And we heard that recording?

1 A Yes.

2 Q No issue with that recording?

3 A No.

4 Q Again, you now know you're being investigated.

5 Why are you talking to police?

6 A Again, I just wanted to get this resolved. I  
7 didn't feel like I didn't have any reason to not talk  
8 to the police. I didn't have anything to hide. I know  
9 that's probably not the advice I would give to most of  
10 my clients, but --

11 Q And I know you know it now, but at the time  
12 that all of this is going on, that September, October,  
13 November, time period of 2022 -- I'm keeping the years  
14 straight -- do you know anything about the 30th bundle?

15 A No.

16 Q Okay. And we're gonna get back to that. But  
17 when do you first find out about that 30th bundle, if  
18 you recall?

19 A So I was reading Melissa Handke's grand jury  
20 transcript and saw that it was mentioned in her  
21 testimony.

22 Q Okay. And that was in August of '23?

23 A I don't remember when I saw the transcript, but  
24 that's when the hearing was. Yes.

25 Q Gotcha. So on October 24, you start to get

1 more information from Rick Batt?

2 A That's right.

3 Q He told us about a notary?

4 A Yes.

5 Q So let's talk about notaries just a little bit,  
6 so the jury's aware.

7 A Sure.

8 Q What is a notary for your purposes of the law?

9 A So essentially a notary is a person who's  
10 authorized by a state -- whether that's Oklahoma or  
11 Texas or another state -- to essentially confirm that a  
12 person signing a document is the person who is supposed  
13 to be signing a document, and that they are confirming  
14 the contents of that document are correct.

15 Q Okay. Pull up State's Exhibit 15.

16 A Okay.

17 Q Look at that third page. That's the notary?

18 A That's correct.

19 Q Is there anything that stands out about that  
20 that says this is not a notary?

21 A Not at all.

22 Q Is there anything that says this is a stolen  
23 notary?

24 A Not at all.

25 Q Have you ever met Tamara Hebert?

1 A Not until I saw her in court.

2 Q Okay. Did you ever see her signature before?

3 A I did not.

4 Q Okay. Did you have a reason to doubt that this  
5 is her signature?

6 A I did not.

7 Q So she tried to make a deal that her  
8 signature -- this one on the form -- looked like an "l."  
9 I mean, have you seen scribbly writing before or -- or  
10 fancy writing?

11 A I mean it does look like an "l," but I'm not  
12 really in the business of critiquing people's  
13 signatures.

14 Q Okay. So was there -- this is kind of weird  
15 because we've got legal and, you know, kind of what we  
16 do with people, legally, when you get a notary, are you  
17 allowed to rely on it?

18 A Yes. There's a Oklahoma statute that  
19 specifically says that the presence of notary stamp and  
20 signature of notary is *prima fascia*, is the word they  
21 use, which just means that you're allowed to look at  
22 that and believe that it's authentic.

23 Q So unless something screams out of the page  
24 that this is a fake notary, you just rely on it?

25 A Correct.

1           Q     Okay. So Rick Batt is telling you about the  
2 notary, what they discovered from the notary, that she  
3 claims her notary was stolen?

4           A     Yes.

5           Q     What do you do with that information?

6           A     Well, I'm surprised by it. It's an unusual  
7 thing. I don't recall a case where it's been alleged  
8 that a notary was faked or a stolen stamp. So after he  
9 left my law office, I sent a text and asked if he got a  
10 statement from her -- because I wanted to see it -- and  
11 then use that to decide what to do next in the case.

12          Q     And what was his reply?

13          A     He told me that he did not get a statement from  
14 her, but that he was confident that it was her and that  
15 he was confident that she was not the one who notarized  
16 the document.

17          Q     Did he tell you he actually recorded her  
18 statement?

19          A     He did. He did tell me that.

20          Q     And this is Rick Batt. What's your  
21 relationship like with Rick Batt?

22          A     I've known him for a long time. We've worked a  
23 lot of cases together, you know, not on the same side,  
24 but I had a working relationship with him.

25          Q     Okay. Did you -- for all intent and

1 purposes -- trust his word?

2 A I had no reason to doubt it.

3 Q So once he tells you that this notary is fake,  
4 what's your next steps?

5 A I immediately draft a notice informing the  
6 Court and I file it, I think, within an hour. I came  
7 straight to the courthouse and filed a document.

8 Q Okay. That would have been Notice of Fraud?

9 A Yes.

10 Q And you know why that gives me concern?

11 A 'Cause I called it that.

12 Q 'Cause you called it fraud. What did you mean  
13 when you said "Notice of Fraud"?

14 A Well, I basically I had an obligation to inform  
15 the Court that it looked like there was evidence that a  
16 fraud had been committed.

17 Q Okay.

18 A So I just wanted to make sure the Court was  
19 aware of that.

20 Q Who had been frauded at that point?

21 A A lot of people at that point.

22 Q Such as?

23 A Me. The Court. The state.

24 Q At that point, how do you think you'd been  
25 frauded?

1       A     Well, at that point, I'm wondering if the  
2 person I'd been communicating with is really Alicia. I  
3 mean, a lot of questions were going through my mind at  
4 that time.

5       Q     Because you have a bond sheet that says Maria?

6       A     Right.

7       Q     So you file that notice. What's your intent  
8 with that notice?

9       A     So at that point I had no reason to doubt Rick  
10 Batt and law enforcement's statements that there were  
11 issues. And with a client that I could not locate, I  
12 had no way of getting ahold of Mr. Flores and saying,  
13 "Hey, they're saying that this is a forged notary. Can  
14 you tell me where you went to get it notarized?"

15           So with the lack of contact and the information that  
16 I had, I felt like the only thing I could do at that  
17 point would be to ask to withdraw from the case.

18       Q     And did you do that?

19       A     I did.

20       Q     Were you allowed to withdraw?

21       A     I was.

22       Q     Once you withdraw from a case, does that wash  
23 your hands, I'm out?

24       A     I mean, not exactly, but in this case, mostly.

25       Q     Okay. Why is that?

1       A     Well, when you withdraw for this type of  
2 reason. I mean, there would be no further contact  
3 between me and the client that I'm aware of. I wanted  
4 to make sure to do it the right way because the last  
5 thing I wanted was Jorge to turn up a few months later  
6 and say, "Where's my money?"

7           And then I just did nothing. So I wanted to make  
8 sure that I followed proper procedure to, you know,  
9 follow the law and protect his assets for as long as I  
10 could.

11         Q     And up to this point, did you believe you were  
12 following all of those proper procedures?

13         A     Absolutely.

14                   MR. POND: Can I have a minute, Judge?

15                   THE COURT: Yes.

16         Q     (By Mr. Pond) All right. So once you get out  
17 of the civil cases, did you also move to dismiss the  
18 probate?

19         A     Mr. Ayache did.

20         Q     He's the attorney, right?

21         A     Yes. But I did request him to dismiss the  
22 probate.

23         Q     Okay. 'Cause if you don't think your client  
24 was being truthful --

25         A     Then he may not be deceased either --

1 Q Okay.

2 A And at that point, it looked like he was not.

3 Q At least a lot of people had found a lot  
4 different Jorge Flores; is that fair?

5 A It looks like it's a very common name. I did  
6 not know that at the time.

7 Q And we were, by that point, fairly sure that  
8 the Jorge Flores that you thought in the probate was not  
9 your Jorge Flores now --

10 A Yes.

11 Q -- is that fair?

12 A After reviewing the documents that law  
13 enforcement was able to obtain, it was apparent that the  
14 Jorge Flores that I represented was not the Jorge Flores  
15 who died in Brownsville. They -- their dates of birth  
16 were, I believe, six days apart.

17 Q Okay. So once you're out of it, that's 2022,  
18 do you think you're done with everything?

19 A Yeah. We closed the file and I just assumed  
20 the state got the money, and that was the end of it.

21 Q So when's the next time you know anything's  
22 going on?

23 A August of 2023, I get a grand jury letter  
24 telling me that I'm the target of a criminal  
25 investigation.

1 Q How was life after that?

2 A Stressful.

3 Q How so?

4 A Well, obviously, this is my livelihood --

5 MS. WHATLEY: Objection, Your Honor. May we  
6 approach?

7 THE COURT: You may.

8 (The following bench conference was had

9 outside the hearing of the jury:)

10 MS. WHATLEY: There's no relevance to this  
11 testimony and this is simply to elicit sympathy from the  
12 jury. This being stressful or after the grand jury  
13 proceedings happened that it's stressful is not relevant  
14 at all.

15 MR. POND: If it's laying a foundation to  
16 talking about the Paris trip -- which she brought up in  
17 the cross-examination of Lora Stevens. I won't go too  
18 far with it.

19 THE COURT: So this type of testimony would  
20 be relevant at a sentencing. We're not hearing that  
21 because he hasn't even been found guilty. We're not  
22 going to into any testimony along these lines. As far  
23 as the Paris trip, she did bring that up. I guess it  
24 came out --

25 MS. WHATLEY: For bias as to Ms. Stevens.

1                   MR. POND: Right. But I get to explain the  
2 Paris trip.

3                   THE COURT: Yes.

4                   MR. POND: So that's what I'm laying the  
5 foundation for.

6                   THE COURT: You're not going to be able to  
7 talk about the sympathy at this point, Counsel, so  
8 that -- as to that, it's sustained.

9                   You're going to have to find another way to talk  
10 about the Paris trip.

11                  MR. POND: Okay.

12                  (Within hearing of the jury:)

13                  Q     So 2023, you find out about the investigation?

14                  A     Yes.

15                  Q     Does everybody in your office know about the  
16 investigation?

17                  A     Yes.

18                  Q     And at some point, you know, we've heard  
19 testimony that you took all of your team to Paris?

20                  A     Yes. That was Christmas last year.

21                  Q     And was that in relation to this case to kind  
22 of get everybody's mind off of it?

23                  A     It was. It's been very stressful not just for  
24 me --

25                  MS. WHATLEY: Objection.

1 A -- but for everyone else.

2 THE COURT: Sustained.

3 Q (By Mr. Pond) So when we're talking about --  
4 did you pay for Paris?

5 A I did.

6 Q Okay. So even with these allegations  
7 occurring, are you having any financial hardship?

8 A Not at all.

9 Q It's been at least hinted at that you were  
10 trying to steal this Jorge Flores's money.

11 A Right.

12 Q Were you trying to steal his money?

13 A No.

14 Q Why not?

15 A One, I don't steal; two, I don't need to steal;  
16 and three, I take my ethical obligation very seriously  
17 and I would not do that.

18 Q Okay. Is your practice such that you're  
19 hurting for money and need to get the money?

20 A Not at all.

21 Q Well, I mean, you could have done it for your  
22 own ego?

23 A Well, that would be a strange thing to do.

24 Q At some point did you offer the state to do a  
25 nondisclosure agreement?

1 A I did.

2 Q Why did you offer a nondisclosure agreement?

3 A At some point Mr. Ladd had basically indicated  
4 that there was so much publicity that he didn't feel  
5 like he could settle this because --

6 MS. WHATLEY: Objection, Your Honor. May we  
7 approach?

8 THE COURT: You may.

9 (The following bench conference was had  
10 outside the hearing of the jury:)

11 MS. WHATLEY: This nondisclosure agreement  
12 is nowhere in any discovery. I have zero notice of it.

13 MR. POND: It's in Melissa Handke's grand  
14 jury testimony, I believe.

15 MS. WHATLEY: I don't have any -- but you  
16 didn't put any of that in that he's going to testify  
17 about a nondisclosure agreement. I've never seen this  
18 nondisclosure agreement.

19 MR. POND: And I don't have to disclose what  
20 he's gonna testify about.

21 THE COURT: What do you want to get into  
22 about the nondisclosure agreement?

23 MR. POND: That he offered one. So it's not  
24 to his ego. He was willing to not talk about it, and  
25 he's at his own practice, and he doesn't have a reason

1 to --

2 THE COURT: Objection's overruled.

3 MR. POND: Okay.

4 (Within hearing of the jury:)

5 Q (By Mr. Pond) So you offered this  
6 nondisclosure agreement?

7 A Yes, we did.

8 Q Why did you offer that?

9 A Based on my conversations with Mr. Ladd, I  
10 thought that a nondisclosure might make him more likely  
11 to want to settle the case.

12 Q And for the jury's knowledge, you know, don't  
13 go too crazy with the details --

14 A Sure.

15 Q -- but what is a nondisclosure agreement?

16 A Basically we reach a settlement and no one's  
17 allowed to talk about it.

18 Q Okay. So you couldn't use it for advertising?

19 A Correct.

20 Q Couldn't stand in the Ardmorite and say, "Look  
21 what I did to the DA?"

22 A Right.

23 Q So also not for your ego?

24 A Correct.

25 Q All right. As it pertains to the verified

1 answer, did you believe that you had a client at that  
2 point?

3 A I did.

4 Q And the 30th bundle kind of proved you had a  
5 client, right?

6 A I believe so.

7 Q So let's talk about that 30th bundle just a  
8 little bit. When did you become aware -- I think you  
9 already told me that -- when you read in Melissa  
10 Handke's grand jury?

11 A That's right.

12 Q Okay. Did you look into that 30th bundle at  
13 all?

14 A At that time, no.

15 Q Okay. We've noticed across the course of this  
16 case that they found it in May of '22. Does that sound  
17 right?

18 A Right.

19 Q You were still involved in the cases in May of  
20 '22?

21 A I was.

22 Q Is that something that the state should have  
23 told you about?

24 A I would certainly think so.

25 Q Why?

1       A     Well, I was representing the man that they were  
2 essentially taking the money from, and so I would think  
3 telling his attorney would be something that you would  
4 be required to do.

5       Q     And we heard that they filed to take that money  
6 in November. Were you already out of the case by the  
7 time they filed to take it?

8       A     I was.

9       Q     So at no point during the course of the case  
10 did you ever find out there was a 30th bundle actually  
11 found?

12      A     That's correct.

13      Q     So does that help you understand that you had a  
14 client in the original?

15      A     I don't know how else the person I was talking  
16 to would have known about that bundle unless it was  
17 Jorge Flores.

18      Q     The Waiver of Jury Trial, did you follow all  
19 the same processes you did for all of the rest of the  
20 stuff you did for Jorge Flores?

21      A     Yes.

22      Q     Did you have any reason to believe that Jorge  
23 Flores didn't sign that form?

24      A     I did not.

25      Q     Did you have any reason to believe that it

1 wasn't Jorge Flores at that point?

2 A I do not.

3 Q The petition for letters of administration,  
4 appointment of Personal Representative, Determination of  
5 Heirs, Devisees, Legatees, that was filed in the probate  
6 case, did you believe that you were doing that to  
7 protect your client's assets?

8 A Yes, I did.

9 Q Was that an appropriate action to take to  
10 protect your client's assets?

11 A I believe that was the only action that I  
12 should have taken.

13 Q Do you know of any other action you could have  
14 taken to protect your client's assets as it pertains to  
15 the money in the CV cases?

16 A I do not.

17 Q Did you still believe that you had a client at  
18 that point?

19 A I did.

20 Q So were you trying to defraud the Court?

21 A I was not. I was trying to protect the assets  
22 of my client for his heirs.

23 Q When you filed the suggestion of death, did you  
24 still believe you had a client?

25 A I believed that I had a deceased client, yes.

1       Q     Did you still believe -- do you believe that  
2 you had client that needed to have his rights protected?

3       A     I did.

4       Q     Okay. Were you trying to defraud the Court in  
5 any way?

6       A     I was not.

7       Q     Did you file -- did you put any false  
8 statements that you knew were false in that filing?

9       A     No, I did not.

10      Q     When you filed the motion for substitution of  
11 party, did you still believe you had an actual client at  
12 that point or client's interests?

13      A     Yes, I did.

14      Q     Because you still believed he was dead at that  
15 point?

16      A     That's correct.

17      Q     Were you doing anything to try to defraud the  
18 Court?

19      A     No, I was not.

20      Q     Did you put anything in that substitution --  
21 motion for substitution of party that you knew was  
22 false?

23      A     No.

24      Q     Talk about -- for just a minute -- all of the  
25 these things -- when you file these things, right, when

1 there's the notary stamp, when you file things, when you  
2 sign things, do you know they're absolutely true?

3 A To the best of our knowledge and belief, that  
4 is the legal standard.

5 Q Right.

6 A It's hard to know something is absolutely true.

7 Q Right. Because if I sign, you know, I have a  
8 million dollars, this is true, it doesn't make it true  
9 that I have a million dollars, right?

10 A Right.

11 Q Okay. And if I tell you -- if I'm your client  
12 and I tell you I have a million dollars, and you file  
13 something with the Court that says I have a million  
14 dollars, what does that mean for you?

15 A It means that I'm basing that on the  
16 information that I was given by my client, and to the  
17 best of my knowledge, that's true.

18 Q And everything that you filed with the court  
19 and all of these documents, did that come from a client  
20 or from due diligence trying to get information?

21 A Yes, it did.

22 Q In any of these five counts, did you file  
23 anything you knew to be false?

24 A No.

25 MR. POND: May I have a moment, Judge?

1 THE COURT: Yes.

2 MR. POND: Pass the witness, Judge.

3 THE COURT: Ladies and gentlemen, we are  
4 going to take a morning break. We will recess for  
5 15 minutes. Ladies and gentlemen, I will remind you not  
6 to discuss this case or allow anyone to discuss it with  
7 you. Everyone remain seated until the jury exits the  
8 courtroom.

9 (Jury dismissed.)

10 THE COURT: All jurors have exited the  
11 courtroom.

12 Counsel, is there anything that we need to  
13 address?

14 MS. WHATLEY: Nothing from the state.

15 MR. POND: No, Your Honor.

16 THE COURT: Okay. We'll take a 15-minute  
17 recess. You're all excused.

18 | (Recessed.)

19 THE COURT: The state may proceed.

20 MS. WHATLEY: Thank you, Your Honor.

## CROSS-EXAMINATION

22 BY MS. WHATLEY:

23 Q Mr. May, you would agree with me that the Jorge  
24 Flores that was the subject of the CV filings was bonded  
25 out on a traffic ticket initially?

1 A That's right.

2 Q And you would agree with me that once he failed  
3 to appear at the traffic initial appearance, he would  
4 have had a traffic ticket warrant?

5 A That's right.

6 Q Okay. And for the remainder of the time that  
7 you were involved in those cases, he would have always  
8 had that traffic ticket warrant; is that correct?

9 A That's correct.

10 Q And you would agree with me that you don't  
11 speak Spanish?

12 A That's correct.

13 Q And you would agree with me that you don't read  
14 Spanish?

15 A That is correct.

16 Q And you would agree with me that nobody in your  
17 office in the calendar year 2019 through 2022, spoke  
18 Spanish?

19 A I do agree.

20 Q And you would agree with me that, also, nobody  
21 in your office from 2019 to 2022 read Spanish either?

22 A I would agree with that.

23 Q And you also agree with me that State's  
24 Exhibit 15 -- which you don't have in front of you -- is  
25 the Answer and Claim to Property in this case?

1 A If you say so --

2 Q Okay.

3 A -- I trust you.

4 Q And do you agree with me that that is filed  
5 after the Ardmorite publication?

6 A I don't recall the date of the publication, but  
7 yes. I believe it was.

8 Q And I think you mentioned to Mr. Pond that you  
9 don't have a subscription to the Ardmorite. Did I hear  
10 that correctly?

11 A That's correct.

12 Q But isn't it true that there were numerous news  
13 articles that came out about this case after Ardmore PD  
14 made this bust on I-35?

15 A I remember Mr. Ladd mentioned that there was a  
16 lot of publicity. I don't recall seeing any articles.

17 Q And you would agree with me that the Jorge  
18 Flores that died in Brownsville at the Rio at Fox Hollow  
19 is not your client?

20 A Yes, I do.

21 Q And you would also agree with me that you have  
22 no attorney/client privilege with Alicia Flores?

23 A I do agree with that.

24 Q And do you also agree with me that the only  
25 phone number that you ever gave to investigators was the

1 number that you gave to Rick Batt? I'm not gonna ask  
2 you to recite it, but I think you remember the last four  
3 digits.

4 A I think it's 3887. And yes, I agree that's the  
5 only number I gave Rick Batt.

6 Q And you would also agree with me that the first  
7 time you were interviewed by law enforcement was  
8 September 30?

9 A Of 2022, yes.

10 Q And then also --

11 Permission to approach the witness, Your Honor?

12 THE COURT: You may approach.

13 Q (By Ms. Whatley) In State's Exhibit 34, is the  
14 entered exhibit for the obituary from Sunset Memorial in  
15 Brownsville, Texas?

16 A That's correct.

17 Q And you would agree with me that that's the  
18 obituary that you gave to Rick Batt?

19 A It appears to be.

20 Q And you agree with me that you only found the  
21 obituary after Judge Morris made that order on July 11,  
22 2022?

23 A I agree.

24 Q And you also agree that everything that you did  
25 in terms of documents for the these cases was through

1 the mail with Jorge Flores?

2 A Yes. I never met Jorge Flores in person.

3 Q And you also agree you never met Alicia Flores  
4 in person?

5 A I agree.

6 Q Now, you had mentioned the -- this exchange  
7 with Alicia Flores in 2019 related to a forfeiture of a  
8 home. Is that -- she was on the phone with Jorge and  
9 there was discussions about settlement offers?

10 A It didn't involve a forfeiture of the home.

11 It --

12 Q Sorry. Foreclosure?

13 A There was no foreclosure mentioned at that  
14 time. At that time she mentioned that Jorge was going  
15 to let her use the money to pay off her mortgage.

16 Q And that was 2019?

17 A Yes.

18 Q And just to be clear, this is the only phone  
19 number that you've ever had, that anybody has ever had  
20 in terms of ever been mentioned in this case is the  
21 number that you give Rick Batt?

22 A Up until much later when I got the contact  
23 information from Ms. Anthony, that's correct.

24 Q And what contact information was that?

25 A There were the phone numbers that were listed,

1 I believe, on the bond sheet that she provided to Rick  
2 Batt.

3 Q Okay. But all you had in 2019 was that number  
4 that you gave Rick Batt?

5 A That's right.

6 Q I understand you didn't give that number to  
7 Rick Batt in 2019. It was 2022, but that's the same  
8 number?

9 A Correct.

10 Q Okay. And the things that you sent in the  
11 mail, do you recall talking to Mr. Pond about that?

12 A I do.

13 Q Specific documents, things like that?

14 A Yes.

15 Q Did you execute a power of attorney?

16 A Yes. At one point we did.

17 Q And all of these mailings were all to that  
18 address 2103 Lemon Drive?

19 A In Austin, yes.

20 Q Now, you are disclosing that address today?

21 A That's correct.

22 Q And is the first time that you disclosed that  
23 address to the state in the discovery process in this  
24 case in April of this year?

25 A I believe so.

1           Q     And have you had different discussions with the  
2 Oklahoma Bar Association about how now you can provide  
3 this address?

4           A     Yes. I've talked to Richard Stevens who's the  
5 ethics counsel for the bar association.

6           Q     And Richard Stevens told you no, you can't  
7 disclose it, but now you can?

8           A     That's correct. The rule -- I think 1.6 says I  
9 can only disclose it if I'm facing criminal charges.

10          Q     Okay. And did you believe you were being  
11 investigated when Mr. Batt was speaking to you on  
12 September 30?

13          A     I did.

14          Q     Okay. And did you also believe that you were  
15 being investigated when Investigator Rick Batt spoke to  
16 you on October 24, 2022?

17          A     I do.

18          Q     And isn't it true that you never asked Rick  
19 Batt for assistance in getting a death certificate?

20          A     I -- at that point I had already asked Craig  
21 Ladd to obtain a death certificate.

22          Q     My question is, isn't it true you never asked  
23 Rick Batt to get a death certificate?

24          A     I did not.

25          Q     And isn't it true in the October 17, 2022,

1 proceedings in this courtroom you never make any  
2 statements, on the record, to Judge Morris that you have  
3 asked for assistance in finding a death certificate from  
4 law enforcement?

5 A I don't believe I made a statement like that.

6 Q And isn't it also true you additionally never  
7 make any statements about asking for a death certificate  
8 or asking for assistance in getting a death certificate  
9 at the October 27, 2022, proceedings?

10 A I don't believe I made any statements to that  
11 nature.

12 Q And isn't it also true that you make no  
13 statements about help obtaining a death certificate at  
14 the very brief transcript on September 23, 2022, when it  
15 was the deposition that your client did not show up for?

16 A I agree with that.

17 Q And do you also agree with me that all the  
18 documents that were filed in the case that have a  
19 verified signature line for Jorge Flores are from the  
20 same notary, Ms. Hebert?

21 A Yes, I believe so.

22 Q And I think we pronounced it differently, but I  
23 think -- I think she pronounces it Ms. Hebert.

24 A Yes.

25 Q And you would agree with me that that's a

1 Texas -- the stamp on there is a Texas notary stamp?

2 A I do.

3 Q And you would agree me that you never reached  
4 out to Ms. Hebert to see if there was any information  
5 she may have or disclose about any information she had  
6 about the person's signature that she notarized?

7 A I agree.

8 Q And the -- you would agree with me -- we've  
9 talked so much about all of these filings in this  
10 case -- but all of the filings that have been entered,  
11 you're not disputing any of those filings; is that  
12 correct?

13 A That's correct.

14 Q Kind of a weird way to ask it I guess.

15 A If I understand you correctly, I agree with  
16 that.

17 Q Yeah. It's a -- it's a weird question so I  
18 should probably word it differently.

19 You're not disputing the things that you filed,  
20 like, you filed the documents that you filed?

21 A Yes.

22 Q And you testified on direct, I think, that they  
23 were true and accurate to what you knew at the time?

24 A That's right.

25 Q I want to talk to you for a second about the

1 conversation -- these conversations you said that you've  
2 had with the person you thought was Jorge Flores.

3 Just so we're clear, every time that you talked with  
4 Jorge Flores, your testimony is that Alicia Flores was  
5 also there?

6 A She was on the line.

7 Q Because you believe that phone number was for  
8 her?

9 A That's correct.

10 Q Okay. And isn't it also true that you made  
11 statements that your client was in Juárez, Chihuahua,  
12 Mexico?

13 A At one point he had indicated that to me, yes.

14 Q And was that he told you that he fled?

15 MR. POND: Objection to "fled."

16 Q (By Ms. Whatley) That he left the United  
17 States voluntarily.

18 A That's correct.

19 Q Okay. And he gave you that information?

20 A Yes.

21 Q That was not at your advice?

22 A I had advised him that he was not allowed to  
23 remain in the United States legally, and then I was  
24 subsequently given information that he had gone back to  
25 Juárez.

1 Q Okay. And who did you get that information  
2 from?

3 A That would be Alicia and him.

4 Q On the same -- how did you get that  
5 information? Phone call?

6 A Phone call.

7 Q And was he in Juárez, Chihuahua, Mexico, when  
8 he gave you this information?

9 A I don't know -- I mean I would --

10 Q So you didn't actually know he was a resident  
11 of Mexico when you said that in the certification or  
12 verification?

13 A Just based on what he told me.

14 Q You never had an exact address for Juárez,  
15 Chihuahua, Mexico?

16 A I did not.

17 Q And you never had some sort of different phone  
18 number that would be like a area code or like a country  
19 code for a Mexican phone number?

20 A I did not.

21 Q Did you ever send any mail to Jorge Flores in  
22 Mexico?

23 A I did not.

24 Q Did you ever send any mail to Alicia Flores in  
25 Mexico?

1       A     No. I never sent any mail to Alicia Flores at  
2 all.

3       Q     Okay. And when do you say the last time that  
4 you have contact via the phone with Alicia Flores or  
5 Jorge Flores?

6       A     It would have been late 2019 or early 2020.

7       Q     And you talked a little bit about these legal  
8 issues with Mr. Pond and the suppressions and this  
9 abusive discovery, but it's true that you -- you've kind  
10 of -- I say "fought" -- but you argued that out in the  
11 courtroom and the judge didn't rule in your favor; is  
12 that correct?

13      A     In July of 2022, yes.

14      Q     Well, and there were other motions that were  
15 going on too before that, like the motion to suppress  
16 and maybe some motions for summary judgement?

17      A     I don't know that those were ruled on until  
18 later, but yes. There were motions pending from the  
19 beginning.

20      Q     And when you -- I'm saying, "you sent" -- but I  
21 guess I understand from Ms. Steven's testimony, she  
22 sends out your mail?

23      A     Typically.

24      Q     But you never received any return mail from  
25 2103 Lemon Drive?

1 A Like return to sender?

2 Q Yeah.

3 A No.

4 Q So everything that you sent was to 2103 Lemon  
5 Drive and you never received any returned mail?

6 A That is correct.

7 Q And in terms of your memory about these  
8 conversations and these things that were happening, you  
9 don't have any call logs; isn't that true?

10 A Not from that time period, no.

11 Q You don't have any text messages or anything  
12 within your internal one drive system that shows that  
13 these conversations were taking place?

14 A So I never talked to them from my cell phone so  
15 I would not have any text messages, and no. We don't  
16 have an internal system that keeps track of calls in  
17 that way.

18 Q Now, this -- these discussions that you were  
19 having about the interrogatories -- we've talked a lot  
20 about the interrogatories -- they're State's 16, so if  
21 you ask a question and you don't know, State's 16's in  
22 front of you, but in these interrogatories -- I want to  
23 make sure I understand you correctly, you sent them to  
24 the 2103 Lemon Drive; is that correct?

25 A That's correct.

1 Q And then you received those responses back?

2 A Yes.

3 Q How did you receive them back? Mail?

4 A Yes.

5 Q And these responses, were they in English or  
6 Spanish?

7 A They were written in English. I would assume  
8 that someone assisted him in preparing those answers.

9 Q Did you not ever have a conversation with him  
10 about having somebody to translate?

11 A I did.

12 Q Okay. And when you got these responses back,  
13 you then called Alicia to go over these responses over  
14 the phone?

15 A That's right.

16 Q So you would agree with me that you were  
17 familiar with the contents of State's 16, which is the  
18 interrogatories?

19 A Yes, I am.

20 Q And you would agree with me that even though  
21 some of those responses are your client's, you are aware  
22 of what they say because you went over those with him?

23 A Yes.

24 Q Was there ever a time where you were having to,  
25 you know, explain things better, like, there's not --

1 maybe there's a language barrier and you're trying to  
2 explain questions or something?

3 A Well, there was always a language barrier which  
4 is why Alicia would be the one interpreting for us.

5 Q Did you ever have -- you never had any  
6 conversations with Jorge Flores without Alicia Flores  
7 also being -- I'm gonna say, "present," -- but on the  
8 line?

9 A That's correct.

10 Q And this power of attorney you talked about,  
11 what -- remind me what year?

12 A 2019.

13 Q What time in 2019?

14 A July, I believe.

15 Q Did you execute that by sending it to the same  
16 address, 2103 Lemon Drive?

17 A Yes.

18 Q You had mentioned to Mr. Pond that you believed  
19 your client to be possible cartel and that was also --  
20 there was something going on with that?

21 A Yeah. Mr. Ladd had indicated -- well, not just  
22 Mr. Ladd -- but Mr. Ladd and law enforcement had  
23 indicated that they believed he was associated with, I  
24 believe, the Sinaloa cartel.

25 Q I thought that you had told Mr. Pond on direct

1 that you also kind of believed that there might be some  
2 cartel?

3 A Well, my belief is what I know from law  
4 enforcement, not my personal knowledge about the cartel.

5 Q You never had any discussions with your client  
6 about that?

7 A He denied any association.

8 Q The letter that you sent to your client for  
9 that waiver -- the waiver of jury trial, that letter,  
10 did you send a letter with the waiver?

11 A It would have been a letter or just a note,  
12 like, stuck to it telling him to sign it and return it  
13 to my office.

14 Q But we don't have a copy of that, do we?

15 A No. I don't have a copy saved.

16 Q And the address you sent it to, again, just to  
17 be clear, this waiver went to 2103 Lemon Drive; is that  
18 correct?

19 A That's correct.

20 Q In August of -- well, July or August of 2021?

21 A I think July, but somewhere in the summer.

22 Q You would agree with me it was filed August 10,  
23 2021?

24 A Yes. And actually now that I think -- Judge  
25 Morris asked for it July 19, '21. So it would have been

1 mailed around that day.

2 Q So sometime between that time and then the  
3 filing of it, you sent either a note, you say, or a  
4 letter or something like that, and then he sends it  
5 back?

6 A That's right.

7 Q And this is after you had some information or  
8 you had told the Court that he was a resident of Juárez,  
9 Mexico?

10 A Yes.

11 Q And this 2103 -- I'm sorry -- the Waiver of  
12 Jury Trial, you didn't make any attempts when you  
13 receive something back like that after not having  
14 communication for over a year and a half, two years, you  
15 don't do anything to investigate that?

16 A We had already discussed our intention of  
17 trying it to a judge. So other than asking him for more  
18 contact information, no. I did not conduct anymore  
19 investigation at that time.

20 Q You had already discussed this before he went  
21 to Mexico?

22 A Initially, when we were talking early in the  
23 case, we had discussed our strategy of we're going to  
24 try it to a judge, and then we're going to appeal.

25 Q So there was -- so you -- so you're saying that

1 there's nothing weird about you thinking he's in Mexico,  
2 and then you send this to Lemon Drive in Austin, and  
3 then you get it back and you thought that was normal?

4 A He said in his interrogatories that he received  
5 mail at his stepdaughter, Maria's, house in Austin, so  
6 my assumption is that I was mailing things to his  
7 stepdaughter's house, and that's where he was getting  
8 his mail.

9 Q And your assumption is that he's coming back  
10 from Juárez, Mexico, to get his mail in Austin, Texas?

11 A People cross the border, so yes, that was my  
12 assumption.

13 Q You would agree with me that it might be  
14 difficult to go back and forth between Juárez, Mexico,  
15 and Austin, Texas, if you're an undocumented illegal  
16 immigrant?

17 A I would think so.

18 Q The -- this Mercedes, Texas, that you talked  
19 about with Mr. Pond, I think something came up with that  
20 in discovery, maybe with Detective Grisham?

21 A Yes. They -- I think he testified in this  
22 hearing also that Mr. Flores had crossed the border at  
23 Mercedes, shortly before his arrest here in Carter  
24 County.

25 Q And you would agree with me that that could

1 also be an indication that somebody is a drug  
2 trafficker?

3 A Possibly.

4 Q Multiple borer crossings could indicate that,  
5 correct?

6 A It's possible. Sure.

7 Q Now, you also talked with Mr. Pond about this  
8 whole probate thing and your friend Micah has done this  
9 before, and you were here for his testimony.

10 At this point I can't remember what day it was. I  
11 think it was Wednesday, but you were present in the  
12 courtroom for his testimony; isn't that correct?

13 A That's correct.

14 Q And wasn't Mr. Ayache --

15 A I think it's Ayache.

16 Q Ayache. Okay. Wasn't Mr. Ayache -- his  
17 testimony was that, yeah. Maybe something a little bit  
18 similar, but he had another attorney named as the  
19 Personal Representative and not himself?

20 A I believe that's what he said, yes.

21 Q Isn't it also true, Mr. May, that in your  
22 practice you have access to investigators.

23 A I have used investigators at times. Yes.

24 Q And don't you employ investigators sometimes?  
25 I'm not saying they're on your full staff, but you've

1 employed investigators before; is that correct?

2 A I can think of maybe twice that I've done that.

3 Q You've, in fact, employed one in this case;  
4 isn't that correct?

5 A In my case, yes.

6 Q Yup. And David Estrata is his name?

7 A Yes.

8 Q And so you know how to hire investigators.

9 A I did not know him in 2022.

10 Q But you knew how to hire investigators?

11 A I'm aware of the how the process works. Yes.

12 Q And in terms of the -- let me back up for a  
13 second. And you did not do that in this case?

14 A I did not.

15 Q In terms of -- I think you understood my  
16 question. It might have been confusing.

17 You didn't hire an investigator to look into the  
18 whereabouts of Jorge Flores, your client?

19 A Correct. Prior to my criminal charges, I did  
20 not hire an investigator related to this case.

21 Q And you are also aware, Mr. May, through your  
22 practice, you know how to issue subpoenas?

23 A I do.

24 Q And you know how to do a subpoena for specific  
25 documents?

1 A Yes.

2 Q And you did not send any mail to that Lemon  
3 Drive address after you found the obituary, did you?

4 A I can't -- I don't know. I can't recall.

5 Q You would agree with me that that's nowhere in  
6 any of the discovery or any of your statements that you  
7 ever sent any kind of communication to that 2103 Lemon  
8 Drive address after you found the obituary?

9 A I would agree with that.

10 MS. WHATLEY: Could I have a moment, Your  
11 Honor?

12 THE COURT: Yes, ma'am.

13 Q (By Ms. Whatley) Just to be clear, Mr. May, I  
14 know we talked about that waiver on August the 10th of  
15 2021, but you did not speak to your client about that,  
16 correct?

17 A That's correct. Not at that time.

18 Q So you would have had to have spoken to him  
19 about that in 2019 then?

20 A Yes.

21 Q Before he -- before you said he was a resident  
22 of Juárez, Mexico?

23 A Around that time.

24 Q And everything that you have testified about  
25 today in terms of these communications and these things

1 that were happening, you never told Mr. Batt about any  
2 of that, did you?

3 A I don't recall. I mean, I've listened to what  
4 I've told him. I don't recall him asking me anything  
5 that I did not tell him.

6 Q And you also, Mr. May, would agree with me that  
7 you didn't try to send out any letters to any of the  
8 family members listed in that obituary for the Jorge  
9 Flores that died in Brownsville, Texas?

10 A Other than the daughter.

11 Q Okay.

12 MS. WHATLEY: May I have one more moment,  
13 Your Honor?

14 THE COURT: Yes.

15 MS. WHATLEY: Pass the witness.

16 THE COURT: Redirect?

17 MR. POND: No redirect, Judge.

18 THE COURT: Mr. May you may step down per  
19 counsel. Thank you.

20 (This concludes Jason May's testimony.)

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1                   C E R T I F I C A T E

2  
3                   STATE OF OKLAHOMA                 )  
4                   COUNTY OF CARTER                 )  
5  
6                   )                                   SS.

7                   I, Tracy Wilkerson, a Certified Shorthand  
8                   Reporter within the State of Oklahoma, CSR No. 2016, do  
9                   hereby certify that the foregoing transcript is a true  
10                  and correct transcription of my shorthand notes of the  
11                  requested portion of proceedings had in Case No.  
12                  CF-2023-321 on the 28th, 29th, & 30th days of April, and  
13                  the 1st & 2nd days of May, before the Honorable Trisha  
14                  Smith.

15                  I further certify that I am neither related to,  
16                  nor attorney for any interested party, nor otherwise  
17                  interested in the event of said action.

18  
19                  WITNESS MY HAND AND SEAL on June 2, 2025.  
20  
21  
22  
23

24                  -----  
25                  TRACY WILKERSON, CSR  
                    Official District Court Reporter  
                    In and for the State of Oklahoma